

3 vols in 1.

THE

SPEECHES

OF

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JOHN WILKES,

One of the Knights of the Shire for the

COUNTY OF MIDDLESEX,

In the Parliament appointed to meet at

Westminster the 29.th day of November 1774, to the

Prorogation the 6.th day of June 1777.

With notes by the Editor.

VOL. 1.

L O N D O N.

1777.



ADVERTISEMENT.

I Have collected the *Speeches* of *Mr. Wilkes* in the present House of Commons from newspapers and *oral tradition* for two reasons. The first is, they contain, in my opinion, many bold truths, especially respecting *America*, which are of importance, and in this convenient form they will be found more useful. The other reason is, if that gentleman should ever swerve from the great line of public duty, and declared attachment to the people, which he has often pledged himself to pursue through life, the most general infamy may overtake him, and punish his apostacy.

The *Protests* of the Lords on the same subject with some of the *Speeches* I thought would be acceptable to the political reader.

Some *Notes* are added, chiefly by way of illustration, for which I am answerable.

THE EDITOR.

London, July 9, 1777.

VOTES of January 26, 1775.

A motion was made, and the question being proposed, " That the Chaplain to this House do
" preach before this House, at St. Margaret's,
" Westminster, upon Monday next the *thir-*
" *tieth* day of this instant *January*, &c."

THE Lord Mayor, *Mr. Wilkes*, said, that he was for the observance of the day, not in the usual manner by fasting and prayer to deprecate the pretended wrath of heaven, but in a very different way from what some other gentlemen had proposed; that it should be celebrated as a festival, as a day of triumph, not kept as a fast; that the death of the first Charles, a determined enemy of the liberties of his country, who made war on his people, and murdered many thousands of his innocent subjects, an odious, hypocritical tyrant, who was,

in the great * *Milton's* words, *ipso Nerone neronior*, should be considered as a sacrifice to the public justice of the nation, as highly approved by heaven, and ought to be had in solemn remembrance as the most glorious deed ever done in this, or any country, without which we should at this hour have had no constitution, degenerated into the most abject slaves on the face of the earth, not governed by the known and equal laws of a *limited* monarchy, but subject to the imperious will of an arbitrary sovereign.

VOTES of Feb. 1, 1775.

A motion was made, and the question being put,
 “ That leave be given to bring in a bill for
 “ shortening the duration of parliaments,
 &c.”

The Lord Mayor, *Mr. Wilkes*, said, that the question now before the house had been so
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* In another place *Milton* says, Eam animi magnitudinem vobis, ô cives, iniecit Deus, ut devictum armis vestris et dedititium regem *judicio inclyto* judicare, et condemnatum punire, primi mortalium non dubitaretis. Post hoc facinus *tam illustre* nihil humile aut angustum, nihil non magnum atque excelsum, et cogitare et facere debetis....amore libertatis, justitiæ, honestatis, patriæ denique caritate accensos, *tyrannum punisse*.

Joannis Miltoni, Angli, pro populo Anglicano defensio.

frequently and so ably spoken to by the honourable gentleman*, who made the motion, and that it was in general so perfectly well understood, that he should trouble the house with few words on that occasion, and that he rose chiefly to return the worthy member thanks for this truly patriotic endeavour, and noble perseverance in a business of such importance. He added, Frequent Parliaments, Mr. Speaker, are the ancient constitution of England, and the right of the people to them arises from the nature of all delegated power, and the necessity of a controul. If a representative in the first session of a parliament acts contrary to the duty of the trust reposed in him, is it fit that his constituents should be compelled to wait till the end of a tedious period of seven years before they can have an opportunity of depriving him of a power, which he so early abused? I think the case now mentioned actually exists in the very dawn of this new parliament. Several gentlemen have talked of the last parliament in the terms of reproach and indignation, which that profligate assembly most justly merited. I fear, sir, the present parliament are treading in

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the

* Mr. Alderman Sawbridge, Member for London.

the same steps, which conducted their immediate predecessors to the utter hatred of the nation. They seem to advance with giant strides to a like detestation from this age, and from all posterity. The people without doors, especially in the *capital*, make no scruple to affirm that the majority of this house have even thus early, in one great instance, acted contrary to the plain duty, which they owe to their country, and to the sacred trust reposed in them. I allude, sir, to the contempt shewn of the *Petition*† of so respectable a body as the *Merchants* of the city of *London* trading to *North America*. This the majority have done in defiance of all decency, and of the great principles of the constitution. I am sorry to observe, that the alarm is already become general, that from this
early

† The *second* petition of the *Merchants, Traders,* and others of the *City of London*, presented by Mr. Alderman Hayley, Member for London, to the House of Commons, Jan. 26, 1775, states, “ that by the resolution to which the house hath come, respecting the reference of their said petition, [the *first* Petition of Jan. 23, 1775,] they are absolutely precluded from the benefit of *such a bearing*, in support of their said petition, *as can alone procure them that relief*, which the importance and present deplorable state of their trade require.”

early abuse of their trust, the delegated powers, which the same men have so lately received for the security and preservation of the rights of their constituents, will be employed through a course of the next seven years for their destruction, and that of our fellow-subjects in *America*, unless the excellent motion of the honourable gentleman should arrest them in their career.

A new argument, sir, in favour of the motion in your hand seems at this time to arise from the nature of most of the *Petitions* complaining of undue elections, which have been presented to us in this first session of the parliament. The general complaint is that of bribery and corruption. Short parliaments, sir, if they did not totally eradicate this most pernicious practice, must necessarily diminish the evil in no small degree. By the frequent return of appeals to the people, the public money in the minister's hands would not be found always adequate to the crooked counsels of an insidious court, nor to a determined purpose of regularly counteracting the wishes of a nation. The floodgates of the treasury, however widely opened, would on such repeated occasions

scarcely afford torrents copious and impetuous enough to carry away all sense of duty to the constitution, all regard to the laws and liberties of the country. If this house were elected for a * *short term* only, a commerce of corruption between the minister and the representative could not grow up to acquire the strength and consistency, which is given by a period of seven years security and independency on the power, by which we were created.

I beg

* The House of Commons---was considered as a controul, issuing immediately from the people, and *speedily* to be resolved into the mass from whence it arose.

Thoughts on the cause of the present discontents.
8vo edition, page 66.

If the persons to whom the trust of government is committed hold their places for *short terms*; if they are chosen by the unbiaſſed voices of a majority of the ſtate, and ſubject to their inſtructions; liberty will be enjoyed in its higheſt degree. But if they are choſen for *long terms* by a part only of the ſtate; and if during that term they are ſubject to no controul from their conſtituents; the very idea of liberty will be loſt, and the power of chuſing representatives becomes nothing but a power, lodged in a *few*, to chuſe at certain periods, a body of *maſters* for themſelves and for the reſt of the community.

Dr. Price's observations on Civil Liberty,
ſiſth edition, p. 10.

I beg the indulgence of the house, sir, for only one more short observation. This motion strikes me as a kind of parliamentary test, which brings every thing home to our consciences. It cannot fail of meeting in this house the support of all the true friends of the ancient constitution of England, of all, who mean to act honestly, for they run no risque. They are sure of the applause, and free choice of their constituents, on every fresh appeal. The venal and interested; all, who think lightly of their ties and obligations to their masters, and do not hold themselves bound to hear and redress the injuries of the nation they represent, but are regardless of the feelings† of the

† The virtue, spirit and essence of a House of Commons consists in its being the express image of the feelings of the nation [*not of 558 gentlemen met in St. Stephen's Chapel.*]

Thoughts on the cause of the present Discontents, p. 67.

Many in all ages, and sometimes the whole body of the Commons, have refused to give their opinion in some cases, till they had consulted with those that sent them: the houses have been often adjourned to give them time to do it; and if this were done more frequently, or that the towns, cities, and counties, had on some occasions given *instructions* to their deputies,

matters

the people, intent only on the public plunder ; all these have their terrors, and certainly not ill-grounded, on the first suggestion of an appeal to their constituents. From such men only an opposition to this motion is to be expected. The representative, who is conscious of having merited well of his constituents, will always rejoice at the opportunity of applying for frequent proofs of their regard and trust, will desire, will earnestly solicit, this appeal, while the man, who has acted contrary to the clear dictates of his duty, and betrayed his trust, will naturally dread every such occasion, will tremble even at the distant view of the spirited indignation, with which he would be rejected. A guilty mind, sir, frequently braves the silent reproaches of a wounded conscience, but can seldom bear up against that public contempt and infamy, which I trust will always pursue parliamentary prostitution.

VOTES

matters would probably have gone better in parliament than they have often done.

Algernon Sydney, 4to ed. of 1763, p. 424.

VOTES of Feb. 6. 1775.

Resolved, That it is the opinion of this Committee, " That an humble *Address* be
 " presented to His Majesty, to return His
 " Majesty our most humble thanks, for having
 " been graciously pleased to communicate to
 " this House, the several papers relating to the
 " present state of the *British Colonies in America*,
 " which, by His Majesty's commands, have
 " been laid before this House, and from which,
 " after taking them into our most serious con-
 " sideration, we find, that a part of His Ma-
 " jesty's subjects in the province of *the Massa-*
 " *chuset's Bay* have proceeded so far to resist
 " the authority of the supreme legislature, that
 " a *rebellion* at this time actually exists with-
 " in the said province—that we beg leave,
 " in the most solemn manner, to assure His
 " Majesty, that it is our fixed resolution, at
 " the hazard of our lives and properties, to
 " stand by His Majesty, against all *rebellious*
 " attempts, in the maintenance of the just
 " rights of His Majesty and the Two Houses
 " of Parliament."

And

And a motion was made, and the question put, " That the said resolution be re-committed."

The Lord Mayor, *Mr. Wilkes*, said,

Mr. Speaker,

The business before the House, in its full extent respecting the *British Colonies in America*, is of as great importance as was ever debated in parliament. It comprehends almost every question relative to the common rights of mankind, almost every question of policy and legislation. I do not mean to enter into so vast, so well-trodden a field. I will confine myself to the immediate business of this day. The *Address* now reported from the committee of the whole House appears to me unfounded, rash, and sanguinary. It draws the sword unjustly against America ; but before administration are suffered to plunge the nation into the horrors of a civil war, before they are permitted to force Englishmen to sheathe their swords in the bowels of their fellow-subjects, I hope this House will seriously weigh the original ground and cause of this unhappy dispute, and in time reflect whether

justice

justice * is on our side, and gives a sanction to the intended hostile proceedings. The assumed right of *taxation without the consent* of the subject is plainly the primary cause of the present quarrel. Have we then, sir, any right to tax the Americans? *That* is the great important question. The fundamental laws of human nature, and the principles of the English constitution, are equally repugnant to the claim. The very idea of *property* excludes the right of another's taking any thing from me without my consent, otherwise I cannot call it my own. No tenure can be so precarious as the will of another. What property have I in what another person can seize at his pleasure?

* The enquiry, whether the war with the Colonies is a *just* war, will be best determined by stating the power over them, which it is the end of the war to maintain: And this cannot be better done, than in the words of an Act of Parliament, made on purpose to define it. That Act, [*passed in 1766*] it is well known, declares, That "this kingdom has power, "and of right ought to have power to make laws and "statutes to bind the colonies, and people of America, "in all cases whatever."----Dreadful power indeed! I defy any one to express slavery in stronger language. It is the same with declaring, "that we have a right "to do with them what we please."

Dr. Price's Observations on Civil Liberty, p. 34.

sure? If *any* part of my property is subject to the discretionary power of others, the *whole* may be so likewise. If we can tax the Americans without their consent, they have no property, nothing they can call their own with certainty, for we might by violence take the whole as well as the part. The words *liberty* and *property*, so dear to an Englishman, so pleasing in our ears, would become a cruel mockery, an insult to an American. The laws of society are professedly calculated to secure the property of each individual, of every subject of the state. This point is no less clearly determined by the great principles of that happy constitution, under which we live. All subsidies to the crown have always been considered, and expressly declared, to be *grants* from the Commons of the realm, free gifts from the people. Their full consent is stated in the *grant*.* Much has been said of
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* The preamble of the Act passed in the year 1775, ch. 42. intituled, " An Act for granting to His Majesty a certain sum of money out of the Sinking Fund, " and for applying certain monies therein mentioned " for the service of the year 1775; and for further " appropriating the supplies granted in this session of
" par-

the Palatinate of Chester, and the Principality of Wales, and the period of their taxation ; but, fir, there is a more remarkable case in point, which alone would determine this question. If gentlemen will search the Records in the Tower, and the Chapel of the Rolls, they will find that the town of Calais in France, when it belonged to the imperial crown of this realm, was not taxed till it sent a representative to parliament. A *Thomas Fowler* actually sat and voted in this House as a burges of the town of Calais. From that period, and not till then, was Calais taxed. The *Writ* out of Chancery, and the *Return* in the reign of Edward VI. are still extant. I faithfully gave them to the public from attested copies.*

It

“parliament,” is in the following words, “*We, your Majesty’s most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, towards raising the necessary supplies, which we have chear-* fully GRANTED to your Majesty in this session of parliament, have resolved to give and GRANT to your Majesty the sum herein after mentioned, &c. &c.”

* Retornamentum Parlamento de Anno Regni Regis Edwardi Sexti primo.

Edwardus Sextus dei gratia Angliæ Franciæ & Hiberniæ Rex, fidei defensor & interea ecclesiæ Anglicanæ

It will, I foresee, fir, be objected, Is America then to enjoy the protection of Great Britain, and to contribute nothing to the support of that parent state, which has so long afforded it safety and security, which has carefully and tenderly nursed it to this hour of its present strength and greatness? The Americans themselves have given the fullest answer to this objection

næ & Hiberniæ supremum caput, dilectis & fidelibus subjectis deputato & consilio villæ suæ Calisiæ salutem. Quia de avisamento & assensu consilii sui pro quibusdam arduis & urgentibus negotiis, nos statum & defensionem regni nostri Angliæ & ecclesiæ Anglicanæ concernimentibus quoddam parliamentum nostrum apud civitatem nostram Westmonasteriensem quarto die Novembris procedentis teneri ordinavimus, & ibidem cum prelati Magnatibus & preliberis dicti regni nostri colloquium tenere & tractatum, vobis Mandamus firmiter iri jungentes quod immediate post receptionem hujus brevis nostri nominari & elegi facietis unum honorabilem & discretum inhabitantem intra villam nostram predictam ad assendum Burgensem pro parlamento nostro predicto pro villa predicta & Marchiis ejusdem, pro negociis in eodem parlamento agendis juxta formam cujusdem actus in parlamento domini Henrici nuper regis Angliæ octavi, nuper patris nostri percarissimi, apud Londinum predicto die Novembris anno regni sui vicesimo primo & exinde per diversas prorogationes usque Westmonasterium quarto die Februarii anno regni sui vicesimo septimo adjornato &
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jection in a manner not to be controverted, by their conduct through a long series of years, and by the most explicit declarations. Equally in words and actions, of the most unequivocal nature, they have demonstrated their love, their ardour, their strong filial piety to-

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tunc edito & postea vis, eumque ad dictos diem & locum venire facietis. Ita quod idem Burgenſis plenam & ſufficientem poteſtatem pro ſe & communitate villæ & Marchiarum predictarum habeat ad faciendum & conſentiendum iis quæ tunc ibidem de eo conſilio dicti regni noſtri favente Deo contigerint ordinari ſubter negociis antedictis. Ita quod per defectu poteſtatis hujusmodi ſcripturæ, improvidam electionem Burgenſis predicti dicta negocia infra non remaneant quovis modo, & cum electionem & nominationem illam ſic faceretis, illas nobis in Cancellariam noſtram diſtincte & apte ſub ſigillis veſtris ad dictos diem & locum debite certificetis, indilate remittentes nobis hoc breve una cum retornamento nominis ejuſdem Burgenſis dicto brevi conſuto. Teſte meipſo apud Weſtmonaſterium ſecundo die Auguſti anno regni noſtri primo.

This is a true copy of the original record remaining in the chapel of the Rolls, having been examined.

HEN. ROOKE, Clerk of the Rolls.

Excellentiſſimo & metuendiſſimo domino noſtro Edwardo Sexto Dei gratia Angliæ Franciæ & Hiberniæ Regi fidei defenſori & interea ſupremo capiti Anglicanæ & Hibernicæ eccleſiæ. Nos veſtri humiles
Major

wards the mother country. They have always appeared ready, not only to contribute towards the expences of their own government, but likewise to the wants and necessities of this state,

Major Burgenses & liberi homines communitatis Villæ vestræ Calisæ benignissimo modo quo poterimus gratiæ vestræ certificamus, quod virtute honorabilis brevis vestri de summonico parlamenti nuper nobis directi & deliberati cui istud retornamentum nimirum est annexum, per assensum & consensum totius Comitatus villæ vestræ Calisæ predictæ & Marchiarum ejusdem unum hominem de melioribus & discretioribus villæ vestræ Calisæ predictæ elegi fecimus, videlicet Thomam Fowler dictæ villæ vestræ generosum ad assendum Burgensem ad parlamentum vestrum predictum ad diem & locum in predicto brevi vestro specificatum, qui quidem Burgensis plenam & sufficientem potestatem pro se & tota comitate villæ vestræ Calisæ predictæ & Marchiarum ejusdem habet ad faciendum & consentiendum iisque tunc & ibidem de Communi Consilio vestro Deo favente contigerint ordinari, prout breve villam predictam in se exigit & requirit. In quorum premissorum testimonium nos predicti viri humiles Major Burgenses & liberi homines communitatis villæ vestræ Calisæ predictæ & Marchiarum ejusdem Sigillum Majoratus Officii Villæ vestræ Calisæ predictæ presentibus fecimus apponi. Datum vicesimo die Octobris anno regni gratiæ vestræ primo.

This is a true Copy of the original record remaining in the Chapel of the Rolls, having been examined.

HEN. ROOKE, Clerk of the Rolls.

state, although perhaps they may not be over fond of all the proud, expensive trappings of royalty. In the two last wars with France they far exceeded the cold line of prudence. With the most liberal hearts they cheerfully gave you nearly their all, and they fought gallantly and victoriously by your side, with equal valour, against our and their enemy, the common enemy of the liberties of Europe and America, the ambitious, faithless French, whom now we fear and flatter. Our Journals, sir, will bear witness to the grateful sense we had of the important services of our brethren in America, by the great sums we shall find voted to be repaid them for what they expended in the spirited warlike expeditions, which they carried through with equal courage and conduct. The siege and capture of Louisburgh, the various successful operations against the general foe, without the least knowledge, much less participation, on our part, are the fullest proofs of the warm affection of their hearts to this country, and of their readiness to bear more than their share of the public expence and burthen. But, sir, the whole was the gift of freemen, our fellow-subjects, who feel that they are,

who know they have a right to be, as free as ourselves. What is their language even now, at a moment when you are planning their destruction, when you are branding them with the odious appellation of *rebels*? In the late *Petition* of the *Congress* to the King they declare, *they are ready and willing, as they ever have been, when constitutionally required, to demonstrate their loyalty to his Majesty, by exerting their most strenuous efforts in granting supplies and raising forces.* This is the unanimous resolution of a *Congress*, composed of Deputies from the several colonies of New Hampshire, Massachusets's Bay, Rhode Island and Providence Plantations, Connecticut, New-York, New Jersey, Pensylvania, the counties of Newcastle, Kent, and Suffex on Delaware, Maryland, Virginia and the two Carolinas. I have heard, sir, of a plan of accommodation, which I believe would reconcile all differences. But alas ! sir, it does not come from any servant of the crown. It comes from the *noble Lord,

to

* The Earl of Chatham. In the house of Lords on the 30th of May 1777 Earl Gower, Lord President of the Council, with that mild, winning air of modesty

to whom this country has the most essential obligations, to whom it is so highly indebted for its *late* splendor and glory. The plan is to assemble another *Congress* in the spring, the parliament of Great Britain, and the deputies of the several colonies to meet together, jointly empowered to regulate the various quotas to be paid by each province to the ge-

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deity and meekness, which characterise the *Bedford* school, declared, that "he must affirm, no public notice whatever by any man, or body of men, by any Assembly, or Congress, by any printed American newspaper, or pamphlet, had been taken of Lord Chatham's plan of reconciliation between Great Britain and her Colonies, that it sunk immediately into absolute oblivion, for not even a hint was thrown out on the other side the water complaining that the proposition was rejected, or acknowledging, that if the Bill had passed into a law, it would have produced a reconciliation, or that it contained even the outlines of a fit accommodation, or any thing to proceed upon, and therefore he was plainly right in giving his vote against the noble Earl's proposition, and the Bill that accompanied it, two years ago." The words were taken with great exactness. The Duke of Grafton heard them, and answered many parts of Lord Gower's speech; but, whether from ignorance, or malice to Lord Chatham, I do not determine, his Grace was silent on the plan of reconciliation.

neral treasury of the whole empire. I would in addition to that plan propose, that a regulation, similar to what actually takes place with respect to Scotland, be adopted as to America. The proportion of each colony might be settled according the land-tax in England, at one, two, or more shillings in the pound. I am not deep politician enough to know what the

tion. To establish the *veracity* of Earl Gower, I shall produce an extract of only one public act, the Address of the General Assembly of Virginia, presented on the 14th of June 1775, to his Excellency the Right Hon. John Earl of Dunmore, Governor of Virginia, &c. &c. and printed in all the American Newspapers. It is reprinted in Almon's American Remembrancer, vol. 1. p. 113.

“ There was, indeed, a plan of accommodation offered in parliament; which, though not entirely equal to the terms we had a right to ask, yet *different but in few points* from what the General Congress had held out. Had parliament been disposed sincerely, as we are, to bring about a reconciliation, reasonable men had hoped, that by meeting us on this ground, something might have been done. *Lord Chatham's Bill*, on the report, and the terms of the Congress on the other, would have formed a basis for negotiation; which a spirit of accommodation on both sides, might perhaps have reconciled. It came recommended, too, from one whose successful experience

“ rience

the proportion should be of each Province, which will vary greatly in half a century, but I speak of each quota being at all times to be regulated according to the land-tax of this country. The very extensive and flourishing colonies of the Massachuset's Bay, Virginia, and South Carolina, for instance, should contribute more, the smaller and poorer

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colonies

“ rience in the art of government should have ensured
 “ to it some attention from those to whom it was ren-
 “ dered. He had shewn to the world, that Great
 “ Britain, with her colonies, united firmly under a
 “ just and honest government, formed a power which
 “ might bid defiance to the most potent enemies. With
 “ a change of ministers, however, a total change of
 “ measures took place: the component parts of the
 “ empire have, from that moment, been falling asun-
 “ der; and a total annihilation of its weight, in the
 “ political scale of the world, seems justly to be ap-
 “ prehended.”

Oh! happy *Privy Council* of England, where *sincerity* and *truth* preside!

“ When Earl Gower was appointed *President of the*
 “ *Council*, the King, with his *usual sincerity*, assured
 “ him, that he had not had one happy moment, since
 “ the Duke of Bedford left him.”

Junius, vol. i. p. 172.

“ Is there any one mode of thinking or acting with
 “ respect to *America*, which the *Duke of Grafton* has
 “ not successively adopted and abandoned? p. 89.

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colonies of New Hampshire and New Jersey less; but, sir, I insist not a shilling can be taken without their consent. After this day's debate should the *Address* now moved for be carried in this House, I greatly fear that not only this wise plan of the noble Lord, but every idea of a reconciliation between this country and her colonies will be utterly impracticable.

The Americans, sir, have of late been treated, both within doors and without, in a manner, which marks no small degree of injustice, and even a wantonness of cruelty. We have been repeatedly told to-day, that they com-

“ In *America*, we trace you [the Duke of Grafton]
 “ from the first opposition to the Stamp-Act, on prin-
 “ ciples of convenience, to Mr. Pitt's surrender of the
 “ right; then forward to Lord Rockingham's surrender
 “ of the fact; then back again to Lord Rockingham's
 “ declaration of the right; then forward to taxation
 “ with Mr. Townshend; and, in the last instance,
 “ from the gentle Conway's undetermined discretion,
 “ to blood and compulsion with the Duke of Bed-
 “ ford.” P. 83.

“ Was not Lord *Chatham* the first, who raised the
 “ Duke of Grafton to the rank and post of a Minister,
 “ and the first whom he abandoned? Did he not join
 “ with Lord Rockingham, and betray him? P. 88.

complain of the *Navigation-Act*, and insist on the repeal of it. We have authentic evidence to the contrary. In the resolutions of the *Congress* they desire only to be put on the footing they were at the close of the late war, “*as to the system of statutes and regulations;*” nor among the various acts, of which they solicit the repeal, have they once mentioned either the *Navigation*, or *Declaratory Act*. It has likewise been asserted, that they are froward and angry enough to *wish* to throw off the supremacy of the *mother country. Many express resolutions, both of the General Congress, and the different Provincial Assemblies, are the fullest evidence of the sense, which the Americans entertain of their obedience and duty to Great Britain. They are too numerous to be quoted. Their full claim, as stated by themselves, is so explicit and clear, that I beg leave to read it to the House from their *Petition to the King*. It declares, *We ask but for peace, liberty and safety*. Surely, sir, no re-
quest

* I never saw a froward child mended by whipping, and I would not have the *mother* country become a *stepmother*. Our trade with America brings in, communibus annis, two millions a year.

Lord Chesterfield's Letter of Dec. 25, 1765.

quest was ever more modest and reasonable, no claim better founded. It expressly mentions, *We wish not a diminution of the prerogative, nor do we solicit a grant of any new right in our favour. Your royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavour to support and maintain.* What a contrast, sir, does this make with the proceedings of administration at home! They are sedulously endeavouring to tear asunder those powerful ties, which have long and happily knit and bound us together.

The *Address*, sir, mentions the particular province of the Massachusetts Bay as in a state of actual *rebellion*. The other provinces are held out to our indignation as *aiding and abetting*. Many arguments have been employed by some learned gentlemen among us to involve them in all the consequences of an open, declared rebellion, and to obtain the fullest orders for our officers and troops to act against them as against rebels. Whether their present state is that of *rebellion*,* or of a fit and just resist-

* The oath of allegiance binds no private man to more than the law directs, and has no influence upon the
the

resistance to unlawful acts of power, to our attempts to rob them of their property and liberties, as they imagine, I shall not declare. This I know, a successful resistance is a *revolution*, not a *rebellion*. *Rebellion* indeed appears on the back of a flying enemy, but *Revolution* flames on the breast-plate of the victorious warrior. Who can tell, sir, whether in consequence of this day's violent and mad *Address* to His Majesty, the scabbard may not be thrown away by them as well as by us, and should success attend them, whether in a few years the *independent* Americans may not celebrate the glorious æra of the revolution of 1775, as we do that of 1688? The generous efforts of our forefathers for freedom heaven crowned with success, or their noble blood had dyed our scaffolds, like that of *Scottish* traitors and rebels, and the period of our history, which does us the most honour, would have been deemed

the whole body of every nation: many princes are known to their subjects only by the injuries, losses, and mischiefs brought upon them:---REBELLION---of itself is neither good nor evil, more than any other war, but is just, or unjust, according to the cause or manner of it.

Algernon Sydney, p. 416.

deemed a rebellion against the lawful authority of the prince, not a resistance authorised by all the laws of God and man, not the expulsion of a tyrant.

The policy, sir, of this measure I can no more comprehend, than I can acknowledge the justice of it. Is your force adequate to the attempt? I am satisfied it is not. What are your armies, and how are they to be kept up and recruited? Do you recollect that the single province of Massachusetts's Bay has at this moment 30,000 men well trained and disciplined? Do you not know that they can bring near 90,000 men into the field? They will do it, when every thing dear to them is at stake, when they have their liberties to defend against cruel oppressors and invaders. You will not be able to conquer and keep even that single province. The *noble Lord with the blue ribband proposes only 10,000 of our troops to be there, including the four regiments now going from Ireland, and he acknowledges with great truth, that the army cannot enforce the late act of parliament. Why then is it sent? Boston indeed you may lay in ashes, or it may
be

be made a strong garrison ; but the province will be lost to you. Boston will be like Gibraltar. You will hold in the province of Massachusetts Bay, as you do in Spain, a single town, while the whole country remains in the power and possession of the enemy. Your fleets and armies may keep a few towns on the coast, for some time at least, Boston, New-York, St. Augustine, but the vast continent of America will be irrecoverably lost. A few fortresses on the coast, and some sea ports only, will remain in your possession. All the back settlements will be independent of you, and will thrive in the rapid progression of your violences and unjust exactions on the towns. A new, and amazing *landed interest* will be created. The ancient story of the *Carthaginian bide* will be verified. Where you tread, it will be kept down ; but it will rise the more in all other parts. Where your fleets and armies are stationed, the possession will be secured, while they continue, but all the rest will be lost. In the great scale of empire, you will decline, I fear, from the decision of this day, and the Americans will rise to **independence,*

* The Declaration of *Independency* by the Representatives

pendence, to power, to all the greatness of the most renowned states, for they build on the solid basis of **general, public liberty*.

I tremble, sir, at the almost certain consequences of such an *Address*, founded in cruelty and injustice, equally contrary to the sound maxims of true policy, and to the unerring rule of natural right. The Americans will certainly defend their property and their liberties with the spirit of freemen, with the spirit our ancestors did, and I hope we should, exert on a like occasion. They will sooner declare themselves *independent*, and risque every consequence of such a contest, than submit to the galling yoke, which administration is preparing for them. An *Address* of this sanguinary nature cannot fail of driving them to despair. They will see that you are preparing not only to draw the sword, but to burn the scabbard. In the most harsh manner you are declaring them *rebels*. Every idea of a reconciliation will

sentatives of the United States of America in Congress assembled was made on the 4th of July 1776, about a year and a half after this *Address* of the House of Commons.

* In Congress at Philadelphia, April 16, 1776, Resolved, That no *slaves* be imported into any of the *United Colonies*.

will vanish. They will pursue the most vigorous measures in their own defence. The whole continent of North America will be dismembered from Great Britain, and *the wide arch of the raised empire fall*. But I hope the just vengeance of the people will overtake the authors of these pernicious counsels, and the loss of the first province to the empire be speedily followed by the loss of the heads of those ministers, who advised these wicked and fatal measures.

VOTES of Feb. 22, 1775.

A motion was made, and the question put,

“ That the Resolution of this House of the
 “ 17th day of February 1769, *that John*
 “ *Wilkes, Esquire, having been in this session*
 “ *of Parliament expelled this House, was, and*
 “ *is, incapable of being elected a Member to*
 “ *serve in this present Parliament, be ex-*
 “ *punged from the Journals of this House,*
 “ *as being subversive of the rights of the*
 “ *whole body of electors of this kingdom.*”

The Lord Mayor, *Mr. Wilkes*, said,

Mr. Speaker,

The motion, which I shall have the honour
 of submitting to the House, affects, in my
 opinion,

opinion, the very vitals of this constitution, the great primary sources of the power of the people, whom we represent, and by whose authority only, delegated to us for a time, we are a part of the legislative body of this kingdom. The proceedings of the last parliament, in the business of the Middlesex elections, gave a just alarm to almost every elector in the nation. The fatal precedent then attempted to be established was considered as a direct attack on the inalienable rights of the people. Many of the most respectable bodies in this kingdom expressed their abhorrence of those arbitrary measures. They proceeded so far as to petition the crown for the dissolution of that Parliament, as having been guilty of a flagrant abuse of their trust. Above 60,000 of our fellow-subjects, freeholders of the realm, carried their complaints to the foot of the throne; a number surely deserving the highest regard, at least from a Minister, whose whole attention was not engrossed by the 6000 borough electors, who return a majority for him to this House. The people, sir, were in a ferment, which has not yet subsided. They made my cause their own, for
they

they saw all the powers of government exerted against the constitution, which was wounded through my sides, and the envenomed shafts of a wicked administration pointed at our laws and liberties no less than at a hated individual. The plan was carried on for some years with a spirit of malevolence and rancour, which would have disgraced the very worst, but with a perseverance, which would have done honour to the best, cause. I do not mean, sir, to go through an irksome detail of the various persecutions and injuries, which that person suffered, I hope with a becoming fortitude. I have forgiven them. All the great powers of the state were at one time combined to pour their accumulated vengeance on me. The two Houses of Parliament chose me as the most acceptable victim, which could be sacrificed at the shrine of their court idolatry, and even *imperial Jove pointed his thunder-bolts, *red with*

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* In Junius's letter to the King of Dec. 19, 1769, it is said, "the destruction of one man [Mr. Wilkes] has been now, for many years, the sole object of your government," [*not the happiness of millions, whom God had committed to his care, but the destruction of one man, whom he ought to have protected as his subject.*]

uncommon wrath, at my devoted head. I was scorched, but not consumed. The broad shield of the law protected me. A generous public, and my noble friends, the freeholders of Middlesex, the ever steady friends of liberty and their country, poured balm into my wounds. They are healed so that scarcely a scar remains. But, sir, I feel, I deeply feel the wounds given to the constitution. They are still bleeding, and this House only can heal *them*, as well as restore the constitution to its former state of purity, health, and vigour. May I be permitted to point out the mode of cure, and the salutary methods, which I think you ought to apply? Before I proceed to the remedy, I shall beg the indulgence of the House to state the case with precision and accuracy. I hope they will forgive a dry, but candid and short, narrative of the principal facts, because I mean to argue from them. I will give them as briefly as possible, and with all the impartiality of a bye-stander.

Mr. Wilkes was first elected for the county of Middlesex, on the 28th of March 1768. He was * expelled the 3d of February 1769, and

* In that Resolution of the House of Commons, the

and the second time chosen, without opposition, the 16th day of the same month. On

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the

the first article in the *Aggregate Fund* of Mr. Wilkes's crimes, which were the pretended causes of his *expulsion* and *incapacity*, is the being author of the *Prefatory Remarks* on Lord Weymouth's execrable epistle, relative to the *still unexpiated* massacre in St. George's Fields on the 10th of May 1768, which the present Comptroller of His Majesty's Household, Sir William Meredith, thought a very good reason for Mr. Wilkes's *election*. In his pamphlet of "The Question stated," Sir William says, "Was I a freeholder of Middlesex, so far am I from thinking, that to make the severest animadversions on *such a letter*, is a ground of *incapacity*, the more a man arraigns (what I take to be) such unconstitutional positions, the fitter he is to be entrusted with the rights of the people." p. 29. No prosecution whatever on the charge of that *insolent, scandalous, and seditious libel*, as the *Prefatory Remarks* were voted to be by both Houses of Parliament, of which Mr. Wilkes avowed himself the author, has been carried on against him in any court of law. I shall only transcribe the famous libel, and some passages relative to it, without any observations.

The *Prefatory Remarks* were,

Dec. 10, 1768.

I send you the following authentic state paper, the date of which, prior by more than three weeks to the fatal 10th of May, shows how long the horrid massacre in St. George's Fields had been planned and determined upon, before it was carried into execution, and how long a hellish project can be brooded over by some infernal spirits without one moment's remorse.

Ex-

the day following the election was vacated,
and he was declared by a majority of the
House

Extract from Mr. Wilkes's Address to the County of
Middlesex, dated from the King's Bench Prison,
Dec. 17, 1768.

I hold myself accountable to you for every action of my life, which respects the public. I desire to stand, or fall, by your free and unbiassed judgment. I wish to be directed by your counsel and instruction in all matters of importance.---I take the earliest opportunity, gentlemen, of stating to you the following particulars. I caused to be printed and published in the St. James's Chronicle of December the 10th, a letter of the Secretary of State, [Lord Weymouth] written from St. James's on the 17th of April to Mr. Justice Ponton, with some *Prefatory Remarks*. I avow the publication of both. I will go further, and declare, that I first, several months ago, transmitted to the press the letter of the Secretary at War [Lord Barrington] dated May the 11th, returning thanks *in the King's name* to the officers and soldiers of the third regiment of Guards, for the rank and foul murders committed in these fields on the 10th of that month. My hand trembled, while I copied what I blushed to read, and I gave it to the public in the only way my present situation could admit, with the hope of promoting a parliamentary enquiry into that bloody transaction, which I trust this second publication will now accomplish, and because I think this free nation has a right to be fully informed of the conduct of administration in so important a concern, as the loss of the lives of many subjects. Administration complains of
me

House incapable of being elected into that
Parliament. Notwithstanding this resolution

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of

me for having published the letter of the Secretary of State. I complain to the nation that such a letter has been written. This is not a letter on any personal business or pleasure. I would have scorned to have published any such. This letter was from a Secretary of State to the Chairman of the Quarter Sessions at Lambeth, and is written in characters of blood. It affects deeply the constitution of this country, and every man in our island. I will at present leave it to the honest indignation of every Englishman. I shall now only add, that if I have not given to the public a most accurate and faithful copy, I ask pardon of the Secretary of State. If I have, then I will say, that for the innocent blood of our countrymen spilt in consequence of that letter, the writer of it ought to ask forgiveness of God and his country, and pass the remainder of his life in penitence and tears.

Extract from the Journals of Feb. 3, 1769, vol. 32,
page 175.

Evidence was given to the House, by two of their members in their places, that the letter printed in the said newspaper is an *exact copy* of the original letter addressed to, and received by Daniel Ponton, Esquire, Chairman of the Quarter Sessions at Lambeth

The Speech of Mr. Wilkes, when a prisoner, at the
Bar of the House of Commons, Feb. 3, 1769.

Mr. Speaker,

I acknowledge that I transmitted to the Press the
Letter of the Secretary of State, Lord Weymouth, and
that

of the House, he was a third time, on the 16th of March, elected without opposition ; for I
sup-

that I wrote and published the *Prefatory Remarks* to it ; and, sir, whenever a Secretary of State shall dare to write so bloody a scroll, I will through life dare to write such *Prefatory Remarks*, as well as to make my appeal to the nation on the occasion. I ask pardon, sir, that I made use of too mild and gentle expressions, when I mentioned so wicked, so inhuman, so cowardly a massacre, as that in St. George's Fields on the 10th of May. I pledge myself to the House, that whenever a day shall be appointed to go into this important inquiry, I will bring evidence here to prove the truth of every word I have asserted. I hope the House, sir, will send for Mr. Ponton, and examine him, whether he did or did not receive that letter from the Secretary of State. If he answers in the affirmative, I am sure, from the virtue of this House, that they will immediately order an impeachment against the Secretary to be carried up to the Bar of the House of Peers.

Extract from the Journals of Feb. 2, 1769, vol. 32, page 176.

Resolved, That the *Introduction* to the Copy of a Letter, addressed to Daniel Ponton, Esquire, Chairman of the Quarter Sessions at Lambeth, and dated St. James's, the 17th of April 1768, contained in a certain Newspaper, intitled, "The St. James's Chronicle, or the British Evening-Post, from Thursday December the 8th, to Saturday, December the 10th, 1768, printed by Henry Baldwin, at the Britannia Printing-Office, No. 108, Fleet-Street," of which *Introduction* John Wilkes, Esquire, a Member of this House,

suppose the ridiculous attempt of a † Mr. Dingley, who had not a single freeholder to propose, or vote for him, can hardly be called an opposition. *That* election however was de-

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clared

House, has now at the Bar of this House confessed himself to be the author and publisher, is an insolent, scandalous, and seditious libel, tending to inflame and stir up the minds of His Majesty's subjects to sedition, and to a total subversion of all good order and legal government.

Extract from the Journals of Feb. 3, 1769, vol. 32, page 178.

A motion being made, and the question being put, That John Wilkes, Esquire, a Member of this House, who hath at the Bar of this House, confessed himself to be the author and publisher of what this House has resolved to be an insolent, scandalous, and seditious libel, &c. &c. &c. *be expelled this House.*

The House divided.

Tellers for the Yeas { Lord Frederick Campbell, } 219
 { Mr. Stevens, }

Tellers for the Noes { Lord John Cavendish, } 137
 { Mr. Montagu. }

So it was resolved in the Affirmative.

† This unfortunate person had been persuaded by the Duke of Grafton to set up for Middlesex, his Grace being determined to seat him in the House of Commons, if he had but a single vote. It happened unluckily that he could not prevail upon any one freeholder to put him in nomination.

Junius, vol. 1. p. 60.

clared void the next day. On the 13th of April Mr. Wilkes was a fourth time elected, by a majority of 1143 votes against Mr. Luttrell, who had only 296. The same day this House † voted, “ that Mr. Luttrell ought to “ have been returned ” On the 29th of April, a *Petition* was presented to the House from the freeholders of Middlesex by a worthy § Baronet, who is not only an honour to this House, but to human nature; notwithstanding which the House on the 8th of May resolved, “ that Henry Lawes Luttrell, Esquire, “ is duly elected a Knight of the Shire to serve “ in this present Parliament for the county of “ Middlesex.”

These, sir, are the great outlines, the leading facts. I will not trouble the Clerk to read all the resolutions, to which I have alluded. They are fresh, I am persuaded, in the memories of gentlemen. I only call for
that

† Sir Fletcher Norton, when it was proposed to punish the Sheriffs, declared in the House of Commons, that they, in returning Mr. Wilkes, had done no more than their duty.

Junius, vol. 1. p. 70.

§ Sir George Savile, Baronet, Member for Yorkshire.

that of Feb. 17, 1769, respecting *incapacity* as the certain consequence of *expulsion*.

[The Clerk read the Resolution.]

Now, Sir, I think it fair to state to the House the whole of what I intend to move in consequence of the facts stated, and the Resolution just read. The first motion I intend is, “ that the Resolution of this House of the
“ 17th of February, 1769, *that John Wilkes,*
“ *Esquire, having been, in this Session of Parlia-*
“ *ment, expelled this House, was, and is, in-*
“ *capable of being elected a member to serve in*
“ *this present Parliament,* be expunged from
“ the Journals of this House, as being subver-
“ sive of the rights of the whole body of elec-
“ tors of this kingdom.” This I hold of ne-
cessity to restore the constitution, which that Resolution tears up by the roots. I shall then, if I succeed, if justice and a reverence for the constitution prevail in this Parliament, proceed to the other Motion, “ that all the de-
“ clarations, orders, and resolutions of this
“ House, respecting the election of John
“ Wilkes, Esquire, for the County of Mid-
“ dlesex, as a void election, the due and le-
“ gal

“ gal election of Henry Lawes Luttrell, Es-
 “ quire, into the last Parliament, for the
 “ County of Middlesex, and the incapacity of
 “ John Wilkes, Esquire, to be elected a Mem-
 “ ber to serve in the said Parliament, be ex-
 “ punged from the Journals of this House, as
 “ being subversive of the rights of the whole
 “ body of electors of this kingdom.”

The words of the Resolution of the 17th of
 February 1769, which I mean more particu-
 larly to combat, are, “ *was and is* incapable,”
 and the explanation of them the same day in
 the order for a new writ, “ in the room of
 “ John Wilkes, Esquire, who is adjudged in-
 “ capable of being elected a Member to serve
 “ in this present Parliament.” In the first
 formation of this government, in the original
 settlement of our constitution, the people ex-
 pressly reserved to themselves a very consider-
 able part of the legislative power, which they
 consented to share jointly with a King and
 House of Lords. From the great population
 of our island this right could not be claimed
 and exercised personally, and therefore the
many were compelled to delegate that power to
a few, who thus were chosen their deputies and
 agents

agents only, their representatives. It follows from the very idea of a choice, that such choice must be free and uncontrouled, admitting of no restrictions, but the law of the land, to which the King and the Lords are equally subject, and what must arise from the nature of the trust. A Peer of Parliament, for instance, cannot be elected a Member of the House of Commons, because he already forms a part of another branch of the same legislative body. A lunatic has a natural incapacity. Other instances might be mentioned, but these two are sufficient. The freedom of election is then the common right of the people of England, their fair and just share of power; and I hold it to be the most glorious inheritance of every subject of this realm, the noblest, and, I trust, the most solid part of that beautiful fabric, the English constitution. Here I might lean, sir, on the most respectable authorities, which can be cited, the supreme judicature of this kingdom, and the venerable judges of former ages as well as of our own times. *I met them accidentally this morning in the course of my reading, as an old*
friend

friend* of *Wilkes and Liberty*, now alas ! lost to every sense of duty to his country, frequently tells another great assembly, that he *accidentally meets* in this manner all his tiresome quotations. The House of Peers, sir, in the case of Ashby and White in 1704 determined, " a man has a right " to his freehold by the common law ; and the " law

* The Duke of Grafton. Junius in a letter to his Grace of May 30, 1769, says, " you complained--- " that your *friend*, Mr. Wilkes, who had suffered so " much for the party, had been abandoned to his fate " ---as for Mr Wilkes, it is, perhaps, the greatest " misfortune of his life, that you should have so many " compensations to make in the closet for your " former *friendship* with him. Your gracious master " understands your character, and makes you a perfect " tor, because you have been a *friend*." Vol. i. p. 79.

Now, my Lord, let me ask you, Has it never occurred to your Grace, while you were withdrawing this desperate wretch [*Mac Quirk*] from that justice which the laws had awarded, and which the whole people of England demanded against him, that there is another man, who is *the favourite of his country*, whose pardon would have been accepted with gratitude, whose pardon would have healed all our divisions? Have you quite forgotten that this man was once your Grace's *friend*? or is it to murderers only that you will extend the mercy of the crown? Vol. i. p. 59.

Was he [the Duke of Grafton] not the *bosom friend* of Mr. Wilkes, whom he now pursues to destruction? Vol. i. p. 89.

“ law having annexed his right of voting to
 “ his freehold, it is of the nature of his free-
 “ hold, and must depend upon it.” On the
 same occasion likewise they declared, “ it is
 “ absurd to say, the electors right of chusing
 “ is founded upon the law and custom of par-
 “ liament. It is an *original right, part of the*
 “ *constitution of the kingdom, as much as a par-*
 “ *liament is*, and from whence the persons
 “ elected to serve in parliament do derive their
 “ authority, and can have no other but that
 “ which is given to them by those that have
 “ the original right to chuse them.” The
 greatest law authorities, both ancient and mo-
 dern, agree in the opinion, that every subject of
 the realm, not disqualified by law, is eligible
 of common right. Lord Coke, Lord Chief
 Justice Holt, and * Mr. Justice Blackstone,
 are

* Doctor Blackstone is Solicitor to the Queen. The
 Doctor recollected that he had a place to preserve,
 though he forgot that he had a reputation to lose. We
 have now the good fortune to understand the Doctor's
 principles as well as writings. For the defence of
 truth, of law, of reason, the Doctor's book may be
 safely consulted; but whoever wishes to cheat a neigh-
 bour of his estate, or to rob a country of its rights,
 need make no scruple of consulting the Doctor himself.

Junius, vol. 1. p. 93.
 Mr.

are the only authorities, which I shall cite. I regard not, fir, the flaviſh, *courtly* doctrines propagated by lawyers in either houſe of Parliament, as to the rights of the ſubject, no more than I do as to what they pronounce high treason and *rebellion*. Such doctrines are delivered here only to be reported elſewhere. Theſe men *have their reward*. But the venal tongue of a prostitute advocate or judge, is beſt answered by the wiſe and ſober pen of the ſame man, when in a former cool moment, unheated by party rage or faction, after the full'eſt deliberation, he gave to the nation, to the preſent age, and to poſterity, a fair and impartial detail of their undoubted rights,

Mr. Grenville quoted a paſſage from the Doctor's excellent *Commentaries*, which directly contradicted the doctrine maintained by the Doctor in the Houſe of Commons. Page 122.

In the *Commentaries*, after a long enumeration of diſqualifications, it is added, "But ſubject to theſe reſtrictions and diſqualifications, *every* ſubject of the realm is eligible of *common right*."

Commentaries on the Laws of England. By William Blackſtone, Eſq; Vinerian Profeſſor of Law, and Solicitor-General to the Queen, 4to edition printed at Oxford in 1768. vol. 1. page 176.

rights, and when he laid down in clear and express terms the plain law of the land. Lord Coke says, "He which is eligible of common right, cannot be disabled by the said ordinance in Parliament, unless it had been by act of Parliament." Lord Chief Justice Holt declares, "the election of knights belong to the freeholders of counties, and it is an original right, vested in and inseparable from the freehold, and can no more be severed from their freehold, than their freehold itself can be taken away." Mr. Justice Blackstone in the first book of his *Commentaries on the Laws of England*, has the following words, "subject to these restrictions and disqualifications, every subject of the realm is eligible of common right." This common right of the subject, sir, was violated by the majority of the last House of Commons, and I affirm, that they, and in particular, if I am rightly informed, the † noble Lord

† This is a mistake. Lord Stanley, now Earl of Derby, declared at that time in the House of Commons, "That the worthy magistrate [the Lord Mayor, Mr. Wilkes] was mistaken in ascribing to the noble Lord with the blue ribband that declaration. It was
"his

Lord with the blue ribband, committed by that act *high treason against Magna Charta*. This house only, without the interference of the other parts of the legislature, took upon them to make the law. They adjudged me *incapable* of being elected a member to serve in that
Par-

“ his father, the late Lord Strange, who made use of
“ that expression.”

General Fitzroy, Member for Thetford, and Vice-Chamberlain to the Queen, likewise asserted, “ That
“ the magistrate was also mistaken in attributing his
“ *expulsion* to the noble Lord with the blue ribband,
“ for it was a just, and the *favourite*, measure of the
“ noble Duke, his brother, who was then Minister.”
The Lord Mayor, *Mr. Wilkes*, replied, that what one brother had, perhaps with more truth than discretion, confessed of the other, ought to be the subject of an impeachment from all the Commons of England against the Duke of Grafton, on the very evidence of the Member, who spoke last, and he expatiated on the insolence, as he termed it, of a Peer’s interfering in the elections and privileges of the Commons, and of declaring *who should sit in that House*. Such barefaced usurpations on the rights of the people were, he said, the old *genuine Stuart* maxims, which he hoped had taken their flight at the accession of the Brunswick line. He concluded, that the House ought to be alarmed at the open avowal, that the expulsion of one of their Members was a *favourite* measure of an arbitrary Minister, the Member of another House, and predetermined in another place, that he could not suppress his indignation, that any man
could

Parliament, although I was qualified by the law of the land, and the noble Lord declared in this house, "if any other candidate had only six votes, he would seat him for Middlesex." I repeat it, sir, this violence was a direct infringement of Magna Charta, *high treason* against the sacred charter of our liberties. The words, to which I allude, ought always to be written in letters of gold. "No freeman shall be disseized of his freehold, or liberties, or free customs, unless by the lawful judgment of his peers, or by the law of the land." By the conduct of that majority, and of the noble Lord, they assumed to themselves the power of making the law, and at the same moment invaded the rights of the people, the King, and the Lords. The two last tamely acquiesced in the exercise of a power, which had been in a great instance fatal to their predecessors, had put an end to

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their

could entertain the idea of deriving a kind of imputed *family* merit from a violation of the laws of his country perpetrated by a brother, and that the approbation and voluntary confession of a crime committed by another, but almost incapable of proof, argued a degree of folly most justly the object of pity, but a total want of principle, which excited horror.

their very existence; but the people, sir, and in particular the spirited freeholders of this county, whose ruling passion is the love of liberty, have not yet forgiven the attack on *their* rights. So dangerous a *precedent* of usurped power, which may in future times be cited and adopted in practice by a despotic minister of the crown, ought to be expunged from the Journals of this House.

I have heard and read much of *precedents* to justify the proceedings of the last House of Commons. I own, sir, I value very little the doctrine of † *precedents*. There is scarcely any new villainy under the sun. A precedent can never justify any action in itself wicked, a robbery for instance on the heaths of Hounslow or Bagshot, of which there are innumerable precedents. The basest actions may be justified by precedents drawn from bad times and bad men. The sole question is, Whether this power is not a direct usurpation on the rights of the people? If *that* is proved, I care not how long the usurpation has continued,
how

† One *precedent* creates another.---They soon accumulate and constitute Law. What yesterday was fact, to-day is doctrine.

Junius. Dedication to the English nation, p. 3.

how often practised. It is high time to put an end to it. It was the case of *General Warrants*. One precedent however, the most insisted upon, I must take notice of, because it is said fully to come up to the point, but, in my opinion, in almost every part it proves the contrary of what it has been brought to support. I mean the remarkable case of Mr. Walpole in 1711, a period, in which the rankest *Tory* principles were countenanced more than in any other of our history prior to 1760. The case, sir, has been so partially quoted, even by a § person, whose sole merit

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here

§ *Jeremiah Dyson*, Esq; formerly Clerk of the House of Commons, Member in the present Parliament for Horsham in Sussex.

It is well worth remarking that the compiler of a certain quarto, called *The case of the last election for the county of Middlesex considered*, has the impudence to recite this very vote, in the following terms, vide page 11, "Resolved, that Robert Walpole, Esq; having been that session of parliament expelled the House, was and is incapable of being elected a member to serve in the present parliament." There cannot be a stronger positive proof of the *treachery* of the compiler, nor a stronger presumptive proof that he was convinced that the vote, if truly recited, would overturn his whole argument.

Junius, vol. 1. p. 145.

After

here was an assumed accuracy, which he never possessed, that I shall desire it may be read to the House from the Journals.

[The Clerk read,]

“ Resolved, that Robert Walpole, Esquire,
 “ having been, this session of Parliament, com-
 “ mitted a prisoner to the Tower of London,
 “ and expelled this House, *for an high breach*
 “ *of trust in the execution of his office, and noto-*
 “ *rious corruption, when Secretary at War,* was
 “ and is incapable of being elected a Member
 “ to serve in the present Parliament.”

Now, sir, I must observe, that even *that* House of Commons, at an æra so hostile to the liberties not only of England but of Europe, did not venture to adjudge Mr. Walpole incapable of being elected a member to serve in that Parliament *only* because he was expelled, but in the body of the Resolution itself they added another reason, which would be trifling, if the former was sufficient and adequate to the point, *the high breach of trust in the execution of his office, and notorious corruption, when Secretary*

After convicting Mr. *Dyson* of giving a false quotation from the Journals, and having explained the purpose, which that *contemptible fraud* was intended to answer, &c. P. 146.

cretary at War. As trustees for the nation, they assigned a public cause, which must interest every member of the community. In the case of Mr. Wilkes, the last House of Commons declared, "that John Wilkes, Esquire, having been, in this Session of Parliament, expelled this House, *was* and *is* incapable of being elected a Member to serve in this present Parliament." The *having been expelled*, whether justly or unjustly, is the *only* reason, which they gave to the world. I shall not yet, sir, dismiss the case of Mr. Walpole. It will prove another proposition maintained by me, it will shew the injustice of the late House of Commons in seating Mr. Luttrell, as Representative for the County of Middlesex. The fact was, that the House in Queen Anne's time having expelled Mr. Walpole, ordered immediately the issuing of a new writ. At the subsequent election Mr. Walpole was again returned. A Mr. Taylor, who had a minority of votes, petitioned, but the election was vacated. Had the doctrine propagated by the late majority, and by the noble Lord with the blue ribband, been just and founded, Mr. Taylor ought to have been

the sitting member, the House should have resolved that he *ought* to have been returned, and that the grossest injustice had actually been committed against him. But even *that* Parliament, whose memory the nation execrates, stopped short in their career of iniquity, and did not proceed to such enormous wickedness. It was reserved for the present æra, when shame has lost its blush. Mr. Luttrell was for some years permitted to sit here as representing the County of Middlesex, although a great majority of the freeholders abhorred and reprobated the idea of *his* representing them, on every public occasion declared it, and in their *Petition* to this House gave the record of it under their hands to all posterity.

Sir, when the strong, unanswerable reasons, on which any doctrine is founded, bear me out, I care little about precedents. I recollect however another instance in more auspicious times, when a glorious monarch defended the constitution, which he had restored. It directly meets the objection so much relied upon, “that *expulsion* necessarily implies *incapacity*.” It is the last, which I shall desire the Clerk to read. I wish
him

him to turn to the Journals of Feb. 20, 1698.

[The Clerk read,]

“ Resolved, that Richard Woollaston, Es-
 “ quire, being a Member of the House of
 “ Commons, and having since been concern-
 “ ed, and acted, as a receiver of the duties
 “ upon houses, as also upon births, marriages,
 “ and burials, contrary to the Act, made in the
 “ fifth and sixth years of his Majesty’s reign,
 “ for granting several duties upon salt, beer,
 “ ale, and other liquors, *be expelled this*
 “ *House.*”

Now, sir, I defy all the subtlety of the most expert court lawyer among us, all the sophistry of the bar, to reconcile Mr. Woollaston’s case with the favourite court tenet, “ that *expulsion* necessarily implies *incapacity*.” The fact is ascertained, and indeed admitted, that a new writ did issue for the borough of Whitchurch in Hampshire, and that Mr. Woollaston was re-elected, and sat in the same Parliament. *Incapacity* therefore in the same Parliament does not necessarily follow *expulsion*.

I am ready to admit, that where a clear *legal* incapacity exists, all votes given to a

person incapacitated are thrown away, if they are knowingly given to him. But, sir, I beg leave to assert, that this was not the case in the Middlesex business. Mr. Wilkes was qualified by the law of the land, and the freeholders, who perfectly understood the clear point of law, as well as their own rights, expressly declared in the Petition presented on the 29th of April 1769 to the House, “ Your
 “ Petitioners beg leave to represent to this
 “ honourable House, that the said Henry
 “ Lawes Luttrell had not the majority of legal votes at the said election, nor did the
 “ majority of the freeholders, when they voted
 “ for John Wilkes, Esquire, mean thereby to
 “ throw away their votes, or to wave their
 “ right of representation; nor would they,
 “ by any means, have chosen to be represented by the said Henry Lawes Luttrell,
 “ Esquire. Your Petitioners therefore apprehend he cannot sit as the representative of
 “ the said County in Parliament, without a
 “ manifest infringement of the rights and privileges of the freeholders thereof.”

This House, sir, is created by the people, the other is by the King. What right can the

the

the majority have to say to any county, city, or borough, you shall not have a particular person to be your representative, only because he is obnoxious to us, when he is qualified by law? Every county, city, or borough has an equal right with all other counties, cities, and boroughs, to its own choice, to its own distinct deputy in the great council of the nation. Each is free and independent, invested with precisely the same powers.

I do not mean, sir, now to enter into the argument, whether it may not be fit to give this House the power of expulsion in the first instance, for very flagrant and infamous crimes, either committed, or of which the member may be convicted, subsequent to his election. The sending the member back to his constituents on such ground might be considered as an appeal to the people. If however his constituents should differ in opinion from the majority of this House, if they should think him fit to be re-elected, he ought to be admitted, because he claims his seat under the same authority, by which every member holds the privilege of sitting and voting here, a delegation from the people, their free choice. The first appeal to the constituents

stituents might in many cases appear just and reasonable. The appeal certainly lies to them, for they are the fountain of this power. We exercise their right. By their representation only we are a House of Parliament. They have the right of chusing for themselves, not a Majority here for them.

Sir, I will venture to assert, that the law of the land, by which all courts of judicature are equally bound, is overturned by the power lately exercised by a Majority of a House of Commons. The right of election by law is vested in the freehold. It is not placed in you, but in other hands, in those of the freeholders, or the constituents. Your predecessors not only robbed a particular county of its noblest privileges, but they changed the constitution of a House of Commons. The freeholders of this county and the nation abhorred the proceeding, and poured their execrations on the treacherous authors. From us not only they, but the law and constitution now expect a full reparation of the injury, by rescinding the Resolution.

This usurpation, if acquiesced under, would be attended with the most alarming consequences. If you can reject those disagreeable to a majority,
and

and expel whom you please, the House of Commons will be *self-created* and *self-existing*. You may expel till you approve, and thus in effect you nominate. The original idea of this House being the representative of the commons of the realm will be lost. The consequences of such a principle are dangerous in the extreme. A more forcible engine of despotism cannot be put into the hands of a Minister. I wish gentlemen would attend to the plain consequences of such proceedings, and consider how they may be brought home to themselves. A member hated, or dreaded, by the minister, is accused of a crime, for instance of being the author of what he thinks a libel. I select this case, as being the crime the least likely to be committed by any one gentleman of the present majority of this House. No proof whatever is given on oath before you, because you cannot administer an oath, except in the cases provided for by act of Parliament. You determine the *fact* however, and thus the Minister begins with invading the rights of *Juries*. Before any trial, he gets the paper voted a libel, and the member he wishes expelled is voted to be the author, which is a *fact* this House is not
com-

competent to try and determine. *Expulsion* means always, as it is pretended, *incapacity*. The member is accordingly adjudged *incapable*. He cannot in consequence be re-elected, and thus is totally excluded from Parliament. By such manoeuvres a minister may garble a House of Commons till not a single enemy of his own, or friend of his country, is left here, and the representation of the people in a great degree annihilated. Corruption had not lent despotism wings to fly so high in the reign of Charles I, or the minister of that day would have been contented with expelling *Hampden*, and the four other heroes, because they had immediately been adjudged *incapable*, and thereby incapacitated from thwarting in parliament the arbitrary measures of a wicked court. My expulsion was an easy victory over liberty and the constitution. It went with wonderful expedition through all the forms of this House, for it was known to be a measure previously adopted in the cabinet, whose members have through the *present reign
fre-

* One of the first acts of the present reign was to dismiss Mr. Legge, because he had some years before refused to yield his interest in Hampshire to a Scotchman

frequently dared to deliberate on the invasion of the dearest rights of their country.

Upon all these considerations, sir, in order to quiet the minds of the people, to restore our violated constitution to its original purity, to vindicate the injured rights of this county in particular, and of all the electors of this kingdom, and that not the least trace of the violence and injustice of the last parliament in this important cause may disgrace our records, I humbly move, “ that the Resolution of this
“ House of the 17th of February 1769, *that*
“ *John*

man [*Sir Simeon Stuart*] recommended by Lord Bute. This was the reason publicly assigned by his Lordship.

Junius, vol. 2. p. 35.

The transaction, to which Junius alludes, is related at large in a 4to pamphlet compiled from original papers, intituled, *Some Account of the Character of the late Right Honourable Henry Bilson Legge*.

Mr. Legge received a verbal message from Lord Bute by Mr. Martin [*Samuel Martin, Esq;*] Dec. 12, 1759, the purport of which was, as it stands upon Mr. Legge's paper, “ that he should bid adieu to the
“ County of Southampton at the general election, and
“ assist as far as lay in his power, the *Prince of Wales's*
“ [now George the Third's] *nomination of two mem-*
“ *bers*” Page 16.

Before the talons were grown, such things were remarked, that every man of reflection dreaded the moment of maturity.

“ *John Wilkes, Esquire, having been, in this*
 “ *session of Parliament, expelled this House, WAS,*
 “ *and is, incapable of sitting in the present Par-*
 “ *liament, be expunged from the Journals of*
 “ *this House, as being subversive of the rights*
 “ *of the whole body of electors of this king-*
 “ *dom.*”

VOTES of March 29, 1775.

Ordered, That the order of the day for the second reading of the Bill to incapacitate William Abraham, James Anderson junior, &c. &c. from voting at elections for Members to serve in Parliament; and for the preventing Bribery and Corruption in the election of Members to serve in Parliament, for the Borough of *Hindon*, in the county of Wilts, be now read.

Sir Cecil Wray, Member for East Retford, gave notice in a very spirited manner, that he would move the Committee to insert likewise in the Bill the names of the Bribers, the Candidates themselves. The Lord Mayor, *Mr. Wilkes*, observed, that the punishment ought to extend farther as to all the parties, and mentioned a
 great

great defect in the Statute Law against Bribery and Corruption ; that at present a person convicted of bribery and corruption was indeed incapacitated from voting for a Member of Parliament, but not from becoming himself a part of the legislative body, and actually sitting in that House. He added, that there was at that time a †gentleman in a high and lucrative office under the Crown, bestowed upon him since he was personally convicted of bribery and corruption, who was admitted and acknowledged to be a Member of the House of Commons in this very Parliament. He appealed to the Minister himself, who was present, for the truth of the assertion ; but no answer was given. He further remarked, that the mode proposed by some gentlemen, of prosecuting the electors of *Hindon* in a court of law, instead of punishing them by the present Bill, would let half the guilty escape, even supposing a lawyer could be found public-spirited enough to undertake so many and expensive

† The person alluded to is supposed to be Bamber Gascoyne, Esq; Member for Truro in Cornwall, now a Lord of Trade, who was prosecuted to conviction for bribery at a former election for Malden in Essex.

penfive causes, under the known circumstance of the poverty of the parties, and their inability to pay the penalties; for, as the law now stands, any person guilty of bribery and corruption, who informs against another equally guilty, saves himself, and acquires a personal indemnity; that this would certainly be the case of the venal wretches at Hindon, and consequently 94 of them might escape the punishment, which all the 188 so highly merited, whereas the mode of a Bill in Parliament dealt out equal and exemplary punishment to all the guilty.

VOTES of October 26, 1775.

Resolved, That an humble *Address* be presented to His Majesty, to return His Majesty the thanks of this House, for His most gracious Speech from the Throne.

To assure His Majesty, that we have long lamented the condition of our unhappy fellow-subjects in *America*, seduced from their allegiance by the grossest misrepresentations, and the most wicked and insidious pretences, &c. to declare, that His Majesty's faithful Commons took a sincere part in His Majesty's paternal

ternal desire, rather to reclaim, than to subdue, the most refractory of His Colonies, &c. the rebellious war now levied is become more general, &c. that we thankfully acknowledge the gracious considerations, which induced His Majesty to send a part of His *Electoral troops* to the garrisons of Gibraltar and Port Mahon, &c. and that we are bound in duty to return His Majesty our particular thanks, for pointing out to us, from the Throne, the constitutional resource of our well-modelled and well-regulated national *Militia*, &c. and to assure His Majesty, that we hear with the highest satisfaction the affectionate declaration of the *Father of his People*, &c, &c, &c.

The Lord Mayor, *Mr. Wilkes*, said,

Mr. Speaker,

I entirely agree with the *honourable gentleman, who seconded the Motion for an Address to His Majesty, that *every man ought now to speak out*, and in a moment so important as the present to the whole empire, I think it

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* Governor Lyttelton, Member for Bewdley, now Lord Westcote, a Lord of the Treasury.

ill becomes the dignity and duty of Parliament to lose itself in such a fullsome, adulatory Address to the throne as that now proposed. We ought rather, sir, to approach our Sovereign with sound and wholesome advice, and even with remonstrances against the conduct of his ministers, who have precipitated the nation into an *unjust, ruinous, felonious and murderous* war. I call the war with our brethren in America an *unjust, felonious* war, because the primary cause and confessed origin of it is, to attempt to take their money from them without their consent, contrary to the common rights of all mankind, and those great fundamental principles of the English constitution, for which *Hampden* died. I assert, sir, that it is in consequence a *murderous* war, because it is an effort to deprive men of their lives for standing up in the just cause of the defence of their property, and their clear rights. It becomes no less a *murderous* war with respect to many of our fellow subjects of this island; for every man, either of the navy or army, who has been sent by government to America, and fallen a victim in this unnatural and unjust contest, has, in my opinion, been *murdered*

dered by administration, and his blood lies at their door. Such a war, I fear, sir, will draw down the vengeance of heaven upon this devoted kingdom.

I think this war, sir, fatal and *ruinous* to our country. It absolutely annihilates the *only* great source of our wealth, which we enjoyed **unrivalled by other nations*, and deprives us of the fruits of the laborious industry of near

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- * The Speech of the LORD MAYOR, *Mr. Wilkes*, from the Hustings at Guildhall, to the COMMON HALL, April 5, 1775.

Gentlemen of the Livery,

It would ill become me on this important day to take up much of your time. I very readily complied with the request of several respectable Citizens to call this Common Hall, from every feeling of justice and humanity to our persecuted brethren in *America*, and the fatal consequences I foresee of the violent proceedings now carrying on, which must so deeply affect the prosperity, not only of this, the first commercial city in the world, but likewise the whole kingdom. I will only, gentlemen, beg leave to read to you from your own records on this subject, the words of a petition from this Metropolis to both Houses of Parliament, long before the present unhappy contest between the Mother Country and her *American Colonies* began, so long ago as the year 1739.

"The Citizens of London are too deeply interested
"in whatever affects the trade of this nation not to ex-

"preis

three millions of subjects, which centred here. *That* commerce has already taken its flight, and our American merchants are now deploring the consequences of a wretched policy, which has been pursued to their destruction. It is, sir, no less *ruinous* with regard to the enormous expence of the fleets and armies necessary for this nefarious undertaking, and of consequence the † enormous supplies to be raised,

so

“press the utmost anxiety for the welfare of that only source of our riches. The petitioners apprehend, that the trade from these His Majesty’s Kingdoms to His *American Colonies*, is of the *utmost importance*, and *almost the only profitable trade this nation now enjoys unriualled by others.*”

If, Gentlemen, the trade to our *American Colonies* near forty years ago was, according to the declared opinion of this Metropolis, of such importance, the amazing entries for several late years made in the books of the Custom-house, which are a most daily before *your eyes*, will best demonstrate to what an immense magnitude it is since grown, and that such an object calls for our most earnest, unwearied attention and regard. Whatever your determinations may be, you may be assured of the hearty concurrence of your Chief Magistrate.

† In the Speech from the Throne on the same day His Majesty declared, “among the many unavoidable ill consequences of this *Rebellion*, none affects me more sensibly than the extraordinary burthen which it must create to my faithful subjects.” This passage is a clear demonstration,

so that we are wasting our present wealth, while we are destroying the sources of all we might have in future. An humane mind must contemplate with agony the dreadful calamities and convulsions, which are the consequence of every civil war, and especially a civil war of this magnitude and extent.

I speak, sir, as a firm friend to England and America, but still more to universal liberty, and the rights of all mankind. I trust no part of the subjects of this vast empire will ever submit to be slaves. I am sure the Americans are too high spirited to brook the idea. Your whole power, and that of your allies, if you had any, even of all the German troops, of all

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the

situation, that the Speech from the Throne must be considered as the Speech of the Minister, not of the Sovereign. The Minister, who controlls the finances of a state, would naturally dwell on the great expence of a rebellious war, but a good and humane King, who loved his people, would be *more sensibly affected* by the idea of the cruel effusion of the blood, and the loss of the lives, of many thousands of his subjects.

En 1744, Menin est attaqué par les François. On dit à Louis XV, qu'en brusquant une attaque qui coûtera quelques hommes, on fera quatre jours plutôt dans la ville. "Eh bien," dit le Roi, "prenons-la quatre jours plus tard; j'aime mieux perdre quatre jours devant une place, qu'un seul de mes sujets."

Journal de Louis XV.

the russians from the north, whom you can hire, cannot effect so wicked a purpose. The conduct of the present administration has already wrested the sceptre of America out of the hands of our Sovereign, and he has now scarcely even a postmaster left in that whole northern continent. More than half the empire is already lost, and almost all the rest in confusion and anarchy. The ministry have brought our Sovereign into a more disgraceful situation than any crowned head now living. He alone has already lost, by their fatal counsels, more territory than the three great united powers of Russia, Austria, and Prussia have together by a wicked confederacy *robbed* Poland of, and by equal acts of violence and injustice from administration.

England was never engaged in a contest of such importance to our most valuable concerns and possessions. We are fighting for the subjection, the *unconditional submission*, of a country infinitely more extended than our own, of which every day increases the wealth, the natural strength, the population. Should we not succeed, it will be a loss never enough to be deplored, a bosom friendship soured to hate and resentment; We shall be

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considered as their most implacable enemies, an eternal separation will follow, and the grandeur of the British empire pass away. Success, *final success*, seems to me not equivocal, not uncertain, but impossible. However we may differ among ourselves, they are perfectly united. On this side the *Atlantic* party-rage unhappily divides us, but one soul animates the vast northern continent of America, the general *congress* and each provincial assembly. An appeal has been made to the sword, and at the close of the last campaign what have we conquered? *Bunker's Hill* only, and with the loss of 1200 men. Are we to pay as dearly for the rest of America? The idea of the conquest of that immense continent is as romantic as unjust,

The honourable *gentleman, who moved the Address, says, "the Americans have been "treated with lenity." Will facts justify the assertion? Was your *Boston port* Bill a measure of lenity? Was your *fishery* Bill a measure of lenity? Was your Bill for *taking away the charter of the Massachusetts Bay* a measure of lenity, or even justice? I

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* John Dyke Acland, Esq; Member for Callington in Cornwall.

omit your many other gross provocations and insults, by which the brave Americans have been driven into their present state. He asserts that they *avow* a disposition to be *independent*. On the contrary, sir, all the declarations both of the late and the present *Congress*, uniformly tend to this one object, of being *put on the same footing the Americans were in the year 1763*. This has been their only demand, from which they have never varied. Their daily *prayers* and *petitions* are for *liberty, peace, and safety*. I use the words of the *Congress* the last year. They justly expect to be put on an equal footing with the other subjects of the empire, and are willing to come into any fair agreement with you in commercial concerns. If you confine all our trade to yourselves, say they; if you make a monopoly of our commerce; if you shut all the other ports of the world against us, do not tax us likewise. If you tax us, then give us a free trade, such as you enjoy yourselves. Let us have equal advantages of commerce, all other ports open to us, then we can, and will, chearfully, voluntarily pay taxes. You will have a *free will offering* given with pleasure, not grudgingly.

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It must give, sir, every man who loves this country, the deepest concern at the naming in the Address *foreign* troops, Hanoverians and Hessians, who are now called to interfere in our domestic quarrels, not to dwell this day on the illegality of the measure, the danger and disgrace attending *foreign* mercenaries. The *militia*, indeed, are we are told to be now employed, and that noble institution is at present complimented by ministers, but we know they hate the very name of a *militia*, and that measure is adopted only because the embodying of those forces enables administration to *butcher* more of our fellow-subjects in America.

Sir, I disapprove not only the evil spirit of the whole Address, but likewise the wretched adulation of almost every part of it. My wish and hope therefore is, that it will be rejected by the House, and that another dutiful, yet decent, and manly, Address will be presented to the King, praying his Majesty to sheathe the sword, prevent the farther effusion of the blood of our fellow-subjects, adopt some mode of negotiation with the general congress in compliance with their repeated petitions,
and

and thereby restore peace and harmony to this distracted empire.

VOTES of November 27, 1775.

A Motion was, and the Question being proposed, " That an humble *Address* be
 " presented to his Majesty, humbly request-
 " ing, that his Majesty would be graciously
 " pleased to impart to this House, who
 " were the original authors and advisers to
 " his Majesty of the following measures,
 " before they were proposed in Parliament—
 " for taxing America, without the consent
 " of its Assemblies, for the purpose of a
 " Revenue, &c. &c."

Mr. *Wilkes* said,

Mr. Speaker,

The *Address* to his Majesty, which * the honourable gentleman has moved this day, is so essentially different from all other late addresses to the throne, that I own it meets with my hearty concurrence. I think it, sir, of the utmost consequence to know the original authors and advisers of this unjust, pernicious, and cal-

* Mr. Alderman Oliver, Member for London.

calamitous war, which has already deluged with blood a part of America, and spread horror and devastation through that whole northern continent. When so many provinces of the empire are already lost, and the rest actually engaged in a cruel, civil war, we ought not to sit down in a criminal supineness. It becomes our duty, as the grand inquest of the nation, to find out and punish the delinquents, by whose fatal counsels such evils have been brought upon this convulsed, and almost ruined state. We owe it to the people at large, and several of us have it in express charge from our constituents.

We are, I fear, sir, on the eve of an eternal, political separation from the western world, unless a very speedy reconciliation should take place. If the present motion happily meets with success, I am sure it will do more towards a sincere, lasting, and hearty union with America, than all the captious and fallacious proposals of administration. The Americans will then believe we indeed desire a reconciliation with them, and they will at length begin to have confidence in our counsels, when they see the vengeance of Parliament fall on the authors of our common calamities.

lamities. The principles of violence and injustice, which have hitherto prevailed, they will see, if the House is really in earnest to treat, yield to equity and moderation; a negotiation on fair, equal, and just terms, may ensue, and a general tranquility be re-established in an empire, which is now shaken to its very foundations.

I really think, sir, this is almost the only method now left of extricating ourselves with honour and dignity from our present alarming difficulties. You have voted fleets and armies, and your forces figure greatly in the papers of the Secretary at War, and in the expensive estimates on your table. But the minister knows very well they are not equal to the mad project of subjugating the vast continent of America, nor do I believe the whole strength of this kingdom adequate to such an attempt. After a very bloody campaign you have conquered only one *hill* of less than a mile's circumference, for you were suffered to land as friends in the only sea-port town of any consequence which you possess. Would the *no-
ble

* *Lord George Sackville Germain*, one of His Majesty's Principal Secretaries of State. [*for America*]

ble lord, whom his Majesty has lately raised to one of the highest *civil* offices, if he were sent on a *military* service, would he venture, even at the head of *the whole British cavalry*, to advance ten miles into the country? He would not, I am persuaded, be so rash, nor do I think his spirit quite daring enough to make the attempt. And is any minister weak enough to flatter himself with the conquest of all
North

From the London Gazette of April 26, 1760.

This Court, [*a General Court-Martial*] upon the consideration of the whole matter before them, is of opinion, That *Lord George Sackville* is guilty of having *disobeyed the orders* of Prince Ferdinand of Brunswick, whom he was by his Commission and Instructions directed to obey, as Commander in Chief, according to the rules of war; and it is the further opinion of this Court, that the said *Lord George Sackville* is, and he is hereby adjudged, *unfit to serve His Majesty in any MILITARY capacity whatever.*

From the London Gazette, of Nov. 11, 1775.

His Majesty having pleased to appoint the Right Honourable *Lord George Sackville* Germain to be one of His Majesty's Principal Secretaries of State, his Lordship was this day, by His Majesty's command, sworn one of His Majesty's Principal Secretaries of State accordingly.

North America? The Americans will dispute every inch of territory with you, every narrow pass, every strong defile, every *Thermopylae*, every *Bunker's Hill*. A train of most unfortunate events will probably ensue, and the power of recruiting, perhaps subsisting, your weakened forces, at such a distance, be lost. After an unavailing struggle of a very few years, when the ruined merchant and manufacturer besiege your doors, you will perhaps think of naming ambassadors to the general congress, instead of the wild and expensive job and farce now in contemplation, of thirty commissioners, with a salary of four thousand pounds each, to cry *Peace*, when there is no *Peace*.

Yet, sir, I think *Peace* absolutely necessary between Great Britain and America, and therefore I approve the present motion, as holding out the olive branch. The Americans are rapidly encreasing in population, and in the knowledge of all the useful arts of life. Alas! sir, they are not ignorant even in the fashionable art of murdering our own species. The late worthy governor of Pennsylvania * declared

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* Richard Penn, Esq; was examined before the House of Lords, Nov. 10, 1775.

at the bar of the other House, that *that* province now grew more corn than was sufficient for the supply of its inhabitants; that they exported considerably every year; that they perfectly understood the art of making gunpowder, and had effected it; that they had established several works to procure saltpetre; that they had the materials and means in great plenty of casting iron cannon; that the art of casting both brass and iron cannon, as well as of fabricating small arms, had been carried to great perfection; and that they were expert in ship-building beyond the Europeans. He declared likewise, *that* single province had actually enrolled 20,000 men, in arms, embodied, but not in pay, and had 4000 minute men ready on the first notice of any danger. The authentic accounts of the preparations for the forming, training, and disciplining troops in the Massachusetts Bay and in Virginia are equally formidable, nor are they inconsiderable in the other *united provinces*. Every idea of force therefore on our side must appear infatuation.

All wise legislators, sir, have calculated the strength of a nation from the number of its inhabitants, the laborious, strong, and active.

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The population in most parts of America is doubled in the course of nineteen or twenty years, while that of this island is known rather to have decreased since the year 1692. The emigrations of late from the three kingdoms have been amazing and alarming. Our own people have fled in multitudes from a government, under which they starved. It appears from the nicest calculations, that many more of our fellow-subjects have voluntarily left this kingdom for America—never to return—than I believe administration has hitherto sent in their pay both of fleets and armies—never to return—in any considerable proportion I mean of the force sent. The Americans, sir, are a pious and religious people. With much ardour and success they follow the first great command of Heaven, *Be fruitful, and multiply*. While they are fervent in these devout exercises, while the men continue enterprising and healthy, the women kind and prolific, all your attempts to subdue them by force will be ridiculous and unavailing, will be regarded by them with scorn and abhorrence. They are daily strengthening, and if you lose the present moment of reconciliation, to which this
motion

motion tends, you lose all. America may now be reclaimed or regained, but cannot be subdued.

Gentlemen, sir, do not seem to have considered the astonishing disadvantages, under which we engage in this contest against the combined powers of America, not only from the distance and natural strength of the country, but the peculiar and fortunate circumstances of a young, rising empire. The *congress*, sir, have not the monstrous load of a debt of above one hundred and forty millions, like our Parliament, to struggle with, the very interest of which would swallow up all their taxes; nor a numerous and hungry band of useless placemen and pensioners to provide for; nor has luxury yet enervated their minds or bodies. Every shilling which they raise, will go to the man who fights the battles of his country. They set out like a young heir with a noble landed estate, unincumbered with enormous family debts, while we appear the poor, old, feeble, exhausted, and ruined parent; but exhausted and ruined by our own wickedness, prodigality, and profligacy.

Sir, I daily hear the Americans, who glow with a divine zeal for liberty in all its branches, misrepresented in this House, and the ostensible minister is diligent in propagating the most unjust calumnies against them. The noble lord with the blue ribband told us, the *liberty of the press* was lost throughout America. The noble lord deceives us in this, as in many other things. From experience we know that his intelligence can never be relied upon. The liberty of the press, the bulwark of all our liberties, is lost only in Boston, for his lordship's ministerial troops govern there only. The press is free at Water-Town, but seven miles distant from Boston, at Philadelphia, Newport, Williamsburgh, and in the rest of North America. I will give the House the demonstration. General Gage's foolish and contemptible proclamation against *Samuel Adams* and *John Hancock*, two worthy gentlemen, and, I dare to add, true patriots, even that proclamation, declaring them rebels and traitors, while the generals Washington, Putnam and Lee, with all the naval commanders in arms, were unnoticed by him, appears reprinted in all the American papers. His let-

ters likewise to Governor Turnbull and others, in which he most heroically apologized for his inert conduct, as *necessary for the protection of the army—the protection of an army!*—and of an army, which we were taught to believe would look all opposition into subjection, awe the factious, and give security to the well affected, these letters too were all faithfully copied. I believe all the curious, futile orders he has issued, all his unmeaning declarations and proclamations, will be found as exact in the Pennsylvania, Water-Town, and other American news-papers, as in the Gazette, published by his authority at Boston, which in other respects is as partial and false as that of the American Secretary published *by authority* in this capital.

The *honourable gentleman, fir, who spoke last, says, the “present address is trifling, for “we already know the author and adviser of all “the late measures against America; that the “noble lord with the blue ribband will avow “them, and has done it.” I wish to hear such a declaration. Will the noble lord avow him-

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self

* Anthony Storer, Esq; Member for Carlisle.

self the adviser of only one of the late flagitious measures, that of establishing Popery and despotic power in Canada? The father of that monstrous birth I thought had prudently hitherto chosen to remain concealed. He likewise tells us, "the motion now before us is coupled with nothing, and leads to nothing." I will tell him what it ought to *lead to*, what it ought to be *coupled with*. I mean an *impeachment*, sir, which I trust will follow, as the next motion of the honourable gentleman, who spoke first in this debate. Whoever did advise the measures lately pursued, which have lost half our empire, I consider as a criminal of so deep a dye, that his head would be a just sacrifice to the honour of England and the peace of America. The word *impeachment*, I hope, will always strike terror to the ear and heart of a wicked and arbitrary minister, and that the noblest and most important prerogative of this free people, secured to us by our great deliverer, king William III, in the "Act for the further limitation of the crown, and better securing the rights and liberties of the subject," will shortly have its full effect, "that no pardon under the great seal of England be
 " plead-

“pleadable to an *impeachment* by the Commons in Parliament.”

VOTES of March 21, 1776.

A Motion was made, and the Question was put, “That leave be given to bring in a Bill, for a just and equal Representation of the People of England in Parliament.”

Mr. *Wilkes* said,

Mr. Speaker,

All wise governments, and well-regulated states, have been particularly careful to mark and correct the various abuses, which a considerable length of time almost necessarily creates. Among these, one of the most striking and important in our country is, the present unfair and inadequate state of the representation of the people of England in Parliament. It is now become so partial and unequal from the lapse of time, that I believe almost every gentleman in the House will agree with me in the necessity of its being taken into our most serious consideration, and of our endeavouring to find a remedy for this great and growing evil.

I wish, sir, my slender abilities were equal to a thorough investigation of this momentous business. Very diligent and well-meant endeavours have not been wanting to trace it from the first origin. The most natural and perfect idea of a free government is, in my mind, that of the people themselves assembling to determine by what laws they chuse to be governed, and to establish the regulations they think necessary for the protection of their property and liberty against all violence and fraud. Every member of such a community would submit with alacrity to the observance of what had been enacted by himself, and assist with spirit in giving efficacy and vigour to laws and ordinances, which derived all their authority from his own approbation and concurrence. In small inconsiderable states, this mode of legislation has been happily followed, both in ancient and modern times. The extent and populousness of a great empire seems scarcely to admit it without confusion or tumult; and therefore our ancestors, more wise in this than the ancient Romans, adopted the representation of the *many* by a *few*, as answering more fully the true ends of government. Rome

was

was enslaved from inattention to this very circumstance, and by one other fatal act, which ought to be a strong warning to the people, even against their own representatives, the leaving power too long in the hands of the same persons, by which the armies of the republic became the armies of Sylla, Pompey, and Cæsar. When all the burghers of Italy obtained the freedom of Rome, and voted in public assemblies, their multitudes rendered the distinction of the citizen of Rome and the alien impossible. Their assemblies and deliberations became disorderly and tumultuous. Unprincipled and ambitious men found out the secret of turning them to the ruin of the Roman liberty and common-wealth. Among us this evil is avoided by *representation*, and yet the justice of the principle is preserved. Every Englishman is supposed to be present in Parliament, either in person, or by a deputy chosen by himself, and therefore the resolution of Parliament is taken to be the resolution of every individual, and to give to the public the consent and approbation of every free agent of the community.

According to the first formation of this excellent constitution, so long and so justly our greatest boast and best inheritance, we find that the people thus took care no laws should be enacted, no taxes levied, but *by their consent*, expressed by their representatives in the great council of the nation. The mode of representation in antient times being tolerably adequate and proportionate, the sense of the people was known by that of Parliament, their share of power in the legislature being preserved, and founded in equal justice. At present it is become insufficient, partial, and unjust.

From so pleasing a view as that of the equal power, which our ancestors had, with great wisdom and care, modelled for the commons of this realm, the present scene gives us not very venerable ruins of that majestic and beautiful fabric, the English constitution. As the whole seems in disorder and confusion, all the former union and harmony of the parts are lost or destroyed. It appears, sir, from the writs remaining in the King's remembrancer's office in the exchequer, that no less than 22 towns sent members to the Parliament in the 23d, 25th, and 26th, of Edward I. which have
long

long ceased to be represented. The names of some of them are scarcely known to us, such as those of Canebrig and Bamburg in Northumberland, Pershore and Brem in Worcestershire, Jarvall and Tykhull in Yorkshire. What a happy fate, sir, has attended the boroughs of Gatton and Old Sarum, of which, although *ipsæ periére ruinae*, the names are familiar to us, the clerk regularly calls them over, and four respectable gentlemen represent their departed greatness, as the knights at a coronation represent Aquitaine and Normandy? The little town of Banbury, *petite ville, grand renom*, as Rabelais says of Chinon, has, I believe, only 17 electors, yet gives us, in its representative,* what is of the utmost importance to the majority here, a first Lord of the treasury, and a Chancellor of the exchequer. Its influence and weight on a division, I have often seen overpower the united force of the members for London, Bristol, and several of the most populous counties. East-Grinstead too, I think, has only about 30 electors, yet gives a seat among us to that †*brave, heroic lord* at the head of a great civil de-

* Lord North is Member for Banbury.

† Lord George Germain is Member for East Grinstead.

department, now very *military*, who has fully determined † *to conquer America—but not in Germany*. It is not, sir, my purpose to weary the patience of the House by the researches of an antiquarian into the ancient state of our representation, and its variations at different periods. I shall only remark shortly on what passed in the reign of Henry VI. and some of his successors. In that reign, Sir John Fortescue, his chancellor, observed that the House of Commons consisted of more than 300 *chosen men*; various alterations were made by succeeding Kings till James II. No change has happened since that period. Great abuses, it must be owned, contrary to the primary ideas of the English constitution, were committed by our former princes, in giving the right of representation to several paltry boroughs, because the places were poor, and dependent on them, or on a favourite *overgrown peer*. The land-marks of the constitution have often been removed. The marked partiality for Cornwall, which single county still

† This seems to allude to the celebrated Expression of Mr. Pitt in the House of Commons, *that he had conquered America in Germany*.

still sends, within one, as many members as
 the whole kingdom of Scotland, is striking.
 It arose from yielding to the crown in tin
 and lands a larger hereditary revenue than any
 other English county, as well as from the
 duchy being in the crown, and giving an
 amazing command and influence. By such
 abuses of our princes the constitution was
 wounded in its most vital part. Henry VIII.
 restored two members, Edward VI. twenty,
 Queen Mary four, Queen Elizabeth twelve,
 James I. sixteen, Charles I. eighteen, in all
 seventy-two. The alterations by creation in
 the same period were more considerable, for
 Henry VIII. created thirty-three, Edward VI.
 twenty-eight, Queen Mary seventeen, Queen
 Elizabeth forty-eight, James I. eleven; in all
 137. Charles I. made no new creation of
 this kind. Charles II. added two for the
 county, and two for the city of Durham, and
 two for Newark on Trent. This House is
 at this hour composed of the same representa-
 tion it was at his demise, notwithstanding the
 many and important changes, which have since
 happened. It becomes us therefore to enquire,
 whether the sense of Parliament can be now,
 on

on solid grounds, from the present representation said to be the sense of the nation, as in the time of our forefathers. I am satisfied, sir, the sentiments of the people cannot be justly known at this time from the resolutions of a Parliament, composed as the present is, even though no undue influence was practised after the return of the members to the House, even supposing for a moment the influence of all the baneful arts of corruption to be suspended, which, for a moment, I believe, they have not been, under the present profligate administration. Let us examine, sir, with exactness and candour, if the † representation is fair and perfect, let us consider of what the efficient parts of this House are composed, and what proportion

† The representation must be complete. No state, a *part* of which only is represented in the legislature that governs it, is *self* governed. Had *Scotland* no representatives in the Parliament of *Britain*, it would not be free; nor would it be proper to call *Britain* free, though *England*, its other part, were adequately represented. The like is true, in general, of every country subject to a legislature in which *some* of its parts, or some classes of men in it, are represented, and others not.

Dr. Price's Additional Observations on Civil Liberty, page 6.

proportion they bear on the large scale, to the body of the people of England, who are supposed to be represented.

The southern part of this island, to which I now confine my ideas, consists of about five millions of people, according to the most received calculation. I will state by what numbers the majority of this House is elected, and I suppose the largest number present of any recorded in our journals, which was in the famous year 1741. In that year the three largest divisions appear on our journals. The first is that of the 21st of January, when the numbers were 253 to 250; the second on the 28th of the same month, 236 to 235; the third on the 9th of March, 244 to 242. In these divisions the members for Scotland are included; but I will state my calculations only for England, because it gives the argument more force. The division therefore, I adopt, is that of January 21. The number of members present on that day, were 503. Let me however suppose the number of 254 to be the majority of members, who will ever be able to attend in their places. I state it high, from the accidents of sickness, service in foreign parts,

parts, travelling and necessary avocations. From the majority of electors only in the boroughs, which return members to this House, it has been demonstrated that this number of 254 members is elected by no more than 5723 persons, generally the inhabitants of Cornish, and other very insignificant boroughs, perhaps by not the most respectable part of the community. Is our Sovereign then to learn the sense of his whole people from these few persons? Are these the men to give laws to this vast empire, and to tax this wealthy nation? I do not mention all the tedious calculations, because gentlemen may find them at length in the works of the incomparable Dr. Price, in Postlethwaite, and in Burgh's Political disquisitions. Figures afford the clearest demonstration, incapable of cavil or sophistry. Since Burgh's calculations only one alteration has happened. I allude to the borough of Shoreham in Sussex. By the act of 1771, all the freeholders of forty shillings per annum in the neighbouring rape or hundred of Bramber are admitted to vote for that borough; but many of the old electors were disfranchised. It appears likewise, that 56 of our members are elected by only 364 persons.

persons. Lord chancellor Talbot supposed that the majority of this House was elected by 50,000 persons, and he exclaimed against the injustice of that idea. More accurate calculations than his Lordship's, and the unerring rules of political arithmetic, have shewn the injustice to be vastly beyond what his Lordship even suspected.

When we consider, sir, that the most important powers of this house, the levying taxes on, and enacting laws for, five millions of persons, is thus usurped and unconstitutional exercised by the small number I have mentioned, it becomes our duty to restore to the people their clear rights, their original share in the legislature. The ancient representation of this kingdom we find was founded by our ancestors in justice, wisdom, and equality. The present state of it would be continued by us in folly, obstinacy, and injustice.

This evil has been complained of by some of the wisest patriots our country has produced. I shall beg leave to give that close reasoner, Mr. Locke's ideas in his own words. He says, in the treatise on civil government, " Things not always changing
" equally,

“ equally, and private interest often keeping up
 “ customs and privileges, when the reasons of
 “ them are ceased, it often comes to pass, that
 “ in governments, where part of the legislative
 “ consists of representatives chosen by the peo-
 “ ple, that in tract of time this representation
 “ becomes very unequal and disproportionate to
 “ the reasons it was at first established upon.
 “ To what gross absurdities, the following of
 “ a custom, when reason has left it, may lead,
 “ we may be satisfied, when we see the bare
 “ name of a town, of which there remains not
 “ so much as the ruins, where scarce so much
 “ housing as a sheep-cote, or more inhabitants
 “ than a shepherd is to be found, sends as many
 “ representatives to the grand assembly of law-
 “ makers, as a whole county, numerous in peo-
 “ ple, and powerful in riches. This strangers
 “ stand amazed at, and every one must confess
 “ needs a remedy.” After so great an autho-
 rity as that of Mr. Locke, I shall not be
 treated on this occasion as a mere visionary,
 and the propriety of the motion I shall have
 the honour of submitting to the house, will
 scarcely be disputed. Even the members for
 such places as Old Sarum, and Gatton, who
 I may

I may venture to say at present *stant nominis umbræ*, will, I am persuaded, have too much candour to complain of the right of their few constituents, if indeed they have constituents, if they are not self-created, self-elected, self-existent, of this pretended right being transferred to the county, while the rich and populous manufacturing towns of Birmingham, Manchester, Leeds, Sheffield, and others, may have at least an equitable share in the formation of those laws by which they are governed. My idea, sir, in this case, as to the wretched and depopulated towns and boroughs in general, I freely own, is amputation. I say with Horace, *Inutiles ramos amputans, feliciores inserit.*

This is not, sir, the first attempt of the kind to correct, although in an inconsiderable degree, this growing evil. Proceedings of a similar nature were had among us above a century past. The clerk will read from our journals what passed on the 26th of March, 1668, on a bill to enable the county palatine of Durham to send two knights for the county, and two citizens for the city of Durham. [*The clerk reads.*] In a book of authority, Anchitell

Grey's debates, we have a more particular account of what passed in the house on that occasion. He says, that " Sir Thomas Meres
 " moved, that the shires may have an increase
 " of knights, and that some of the small boroughs, where there are but few electors, may
 " be taken away, and a bill for that purpose." We find afterwards, " on a division, the bill was
 " rejected, 65 to 50." This division, however, alludes only to the bill then before the house, respecting the county and city of Durham. I desire to add the few remarkable words of Sir Thomas Strickland in this debate, because I have not seen them quoted on the late important *American* questions. "*The county palatine of Durham was never taxed in Parliament by ancient privilege before King James's time, and so needed no representatives, but now being taxed, it is but reasonable they should have.*" Such sentiments, sir, were promulgated in this house even so long ago as the reign of Charles II.

I am aware, sir, that the power, *de jure*, of the legislature to disfranchise a number of boroughs,

* Junius in a letter to Mr. Wilkes dated Sept. 7, 1771, and printed at the end of his second volume says,

" As

roughs, upon the general grounds of improving the constitution, has been doubted; and gentlemen will ask, whether a power is lodged in the representative to destroy his immediate

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con-

“ As to cutting away the rotten boroughs, I am as
 “ much offended as any man at seeing so many of
 “ them under the direct influence of the crown, or at
 “ the disposal of private persons. Yet, I own, I
 “ have both doubts and apprehensions, in regard to
 “ the remedy you propose. I shall be charged perhaps
 “ with an unusual want of political intrepidity, when
 “ I honestly confess to you, that I am startled at the idea
 “ of so extensive an amputation.---In the first place,
 “ I question the power, *de jure*, of the legislature to
 “ disfranchise a number of boroughs, upon the gene-
 “ ral ground of improving the constitution. There
 “ cannot be a doctrine more fatal to the liberty and
 “ property we are contending for, than that, which
 “ confounds the idea of a *supreme* and *arbitrary* le-
 “ gislature. I need not point out to you the fatal
 “ purposes, to which it has been, and may be applied.
 “ If we are sincere in the political creed we profess,
 “ there are many things, which we ought to affirm,
 “ cannot be done by King, Lords and Commons.
 “ Among these I reckon the disfranchising of bo-
 “ roughs with a general view of improvement. I con-
 “ sider it as equivalent to robbing the parties concern-
 “ ed of their freehold, of their birth-right. I say
 “ that, although this birth-right may be forfeited, or
 “ the exercise of it suspended in particular cases, it
 “ cannot be taken away, by a general law, for any
 “ real or pretended purpose of improving the constitu-
 “ tion.

constituent? Such a question is best answered by another. How originated the right, and upon what ground was it at first granted? Old Sarum and Gattôn, for instance, were populous towns, and

“ tion. Supposing the attempt made, I am persuaded
 “ you cannot mean that either King, or Lords should
 “ take an active part in it. A bill, which only
 “ touches the representation of the people, must ori-
 “ ginate in the house of commons. In the formation
 “ and mode of passing it, the exclusive right of the
 “ commons must be asserted as scrupulously, as in the
 “ case of a money-bill. Now, sir, I should be glad
 “ to know by what kind of reasoning it can be proved,
 “ that there is a power vested in the representative to
 “ destroy his immediate constituent. From whence
 “ could he possibly derive it? A courtier, I know
 “ will be ready to maintain the affirmative. The doc-
 “ trine suits him exactly, because it gives an unlimit-
 “ ed operation to the influence of the crown. But we,
 “ Mr. Wilkes, ought to hold a different language. It
 “ is no answer to me to say, that the bill, when it
 “ passes the house of commons, is the act of the ma-
 “ jority, and not the representatives of the particular
 “ boroughs concerned. If the majority can disfranchise
 “ ten boroughs, why not twenty, why not the whole
 “ kingdom? Why should not they make their own
 “ seats in parliament for life?---When the septennial
 “ act passed, the legislature did what, apparently and
 “ palpably, they had no right to do; but they did
 “ more than people in general were aware of: they,
 “ in effect, disfranchised the whole kingdom for four
 “ years.

“ For

and therefore the right of representation was first given them. They are now desolate, and of consequence ought not to retain a privilege, which they acquired only by their extent and populousness. We ought in every thing, as far as we can, to make the theory and practice of the constitution coincide. The supreme legislative body of a state must surely have this power inherent in itself. It was *de facto* lately exercised to its full extent by parlia-

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ment

“ For argument’s sake, I will now suppose, that the
 “ expediency of the measure, and the power of par-
 “ liament are unquestionable. Still you will find an
 “ insurmountable difficulty in the execution. When
 “ all your instruments of amputation are prepared,
 “ when the unhappy patient lies bound at your feet,
 “ without the possibility of resistance, by what infal-
 “ lible rule will you direct the operation? --- When
 “ you propose to cut away the *rotten* parts, can you
 “ tell us what parts are perfectly *sound*? --- Are there
 “ any certain limits in fact, or theory, to inform you
 “ at what point you must stop, at what point the mor-
 “ tification ends. To a man so capable of observa-
 “ tion and reflection as you are, it is unnecessary to
 “ say all that might be said on the subject. Besides
 “ that I approve highly of Lord Chatham’s idea of in-
 “ fusing a portion of new health into the constitution to
 “ enable it to bear its infirmities, (a brilliant expres-
 “ sion, and full of intrinsic wisdom) other reasons
 “ concur in persuading me to adopt it. I have no
 “ objection, &c.”

The

ment in the case of Shoreham with universal approbation, for near a hundred corrupt voters were disfranchised, and about twice that number of freeholders admitted from the county of Sussex.

It will be objected, I foresee, that a time of perfect calm and peace throughout this vast empire, is the most proper to propose internal regulations of this importance; and that while intestine discord rages in the whole northern continent of America, our attention ought to be fixed upon that most alarming object, and all our efforts employed to extinguish the devouring flame of a civil war. In my
 opinion,

The man, who fairly and compleatly answers this argument, shall have my thanks and my applause. My heart is already with him. -- I am ready to be converted. --- I admire his morality, and would gladly subscribe to the articles of his faith --- Grateful, as I am, to the GOOD BEING, whose bounty has imparted to me this reasoning intellect, whatever it is, I hold myself proportionably indebted to him, from whose enlightened understanding another ray of knowledge communicates to mine. But neither should I think the most exalted faculties of the human mind, a gift worthy of the divinity; nor any assistance in the improvement of them, a subject of gratitude to my fellow creature, if I were not satisfied, that really to inform the understanding corrects and enlarges the heart.

JUNIUS.

opinion, sir, the American war is in this truly critical æra one of the strongest arguments for the regulation of our representation, which I now submit to the house. During the rest of our lives, likewise, I may venture to prophecy, America will be the leading feature of this age. In our late disputes with the Americans, we have always taken it for granted, that the people of England justified all the iniquitous, cruel, arbitrary, and mad proceedings of administration, because they had the approbation of the majority of this house. The absurdity of such an argument is apparent, for the majority of this house we know speak only the sense of 5723 persons, even supposing, according to the laudable, constitutional custom of our ancestors, that the constituent had been consulted on this great national point, as he ought to have been. We have seen in what manner the acquiescence of a majority here is obtained. The people in the southern part of this island amount to upwards of five millions. The sense, therefore, of five millions cannot be ascertained by the opinion of not 6000, even supposing it had been collected. The Americans with

great reason insist, that the present war is carried on, contrary to the sense of the nation, by a ministerial junto, and an arbitrary faction, equally hostile to the rights of Englishmen, and the claims of Americans. The various addresses to the throne from most numerous bodies, praying that the sword may be returned to the scabbard, and all hostilities cease, confirm this assertion. The capital of our country has repeatedly declared, by various public acts, its abhorrence of the present unnatural civil war, begun on principles subversive of our constitution. Our history furnishes frequent instances of the sense of Parliament running directly counter to the sense of the nation. It was notoriously of late the case in the business of the Middlesex election. I believe the fact to be equally certain in the grand American dispute, at least as to the actual hostilities now carrying on against our brethren and fellow-subjects. The proposition before us will bring the case to an issue, and from a fair and equal representation of the people, America may at length distinguish the real sentiments of freemen and Englishmen.

I do

I do not mean, sir, at this time, to go into a tedious detail of all the various proposals, which have been made for redressing this irregularity in the representation of the people. I will not intrude on the indulgence of the House, which I have always found favourable and encouraging. When the bill is brought in, and sent to a committee, it will be the proper time to examine all the minutiae of this great plan, and to determine on the propriety of what ought now to be done; and to consider what formerly was actually accomplished. The journals of Cromwell's Parliaments prove that a more equal representation was settled, and carried by him into execution. That wonderful, comprehensive mind embraced the whole of this powerful empire. Ireland was put on a par with Scotland. Each kingdom sent thirty members to a Parliament, which consisted likewise of four hundred from England and Wales. It was to be triennial. Our colonies were then a speck on the face of the globe; now they cover half the new world. I will at this time, sir, only throw out general ideas, that every free agent in this kingdom should, in my wish, be represented in
 Par-

Parliament; that the metropolis, which contains in itself a ninth part of the people, and the counties of Middlesex, York, and others, which so greatly abound with inhabitants, should receive an increase in their representation; that the mean, and insignificant boroughs, so emphatically stiled *the rotten part of our constitution*, should be lopped off, and the electors in them thrown into the counties; and the rich, populous, trading towns, Birmingham, Manchester, Sheffield, Leeds, and others, be permitted to send deputies to the great council of the nation.

The disfranchising of the mean, venal, and dependent boroughs would be laying the axe to the root of corruption and treasury influence, as well as *aristocratical tyranny*. We ought equally to guard against *those, who sell themselves, or whose Lords sell them*. Burge tenures, and private property in a share of the legislature, are monstrous absurdities in a free state, as well as an insult on common sense. I wish, sir, an English Parliament to speak the free, unbiaſſed sense of the body of the English people, and of every man among us, of each individual, who may justly be supposed

posed to be comprehended in a fair majority. The meanest mechanic, the poorest peasant and day-labourer, has important rights respecting his personal liberty, that of his wife and children, his property, however inconsiderable, his wages, his earnings, the very price and value of each day's hard labour, which are in many trades and manufactures regulated by the power of Parliament. Every law relative to marriage, to the protection of a wife, sister, or daughter, against violence and brutal lust, to every contract or agreement with a rapacious or unjust master, is of importance to the manufacturer, the cottager, the servant, as well as to the rich subjects of the state. Some share therefore in the power of making those laws, which deeply interest them, and to which they are expected to pay obedience, should be reserved even to this inferior, but most useful, set of men in the community. We ought always to remember this important truth, acknowledged by every free state, that all government is instituted for the good of the mass of the people to be governed ; that they are the original fountain of power, *and even of revenue*, and in all events the last resource.

The

The various instances of partial injustice throughout this kingdom will likewise become the proper subjects of enquiry in the course of the bill before the committee. Of this nature are the many freeholds in the city of London, which are not represented in this House. These freeholds being within the particular jurisdiction of the city, are excluded from giving a vote in the county of Middlesex, and by act of Parliament only liverymen can vote for the Representatives of the City of London. These, and other particulars, I leave. I mention them now to shew the necessity of a new regulation of the representation of this kingdom.

My enquiries, sir, are confined to the southern part of the island. *Scotland* I leave to the care of its own careful and prudent sons; I hope they will spare a few moments from the management of the arduous affairs of England and America, which are now solely entrusted to their wisdom, and at present so much engross their time, to attend to the state of representation among their own people, if they have not all * emigrated to this warmer and
more

* Without any abstract reasoning upon causes and effects; we shall soon be convinced by *experience*, that the *Scots*, transplanted from their own country, are
always

more fruitful climate. I am almost afraid the forty-five Scottish gentlemen among us represent themselves. Perhaps in my plan for the improvement of the representation of the inhabitants of England, almost all the natives of Scotland may at this time be included. I shall only remark, that the proportion of representation between the two countries cannot be changed. In the twenty-second article of the treaty of Union forty-five is to be the proportion of the representative body in the Parliament of Great-Britain for the northern part of this Island. To increase the members for England and Wales beyond the number, of which the English Parliament consisted at the period of that treaty in 1706, would be a breach of public faith, and a violation of a solemn treaty between two independent states. My proposition has for its

basis

always a distinct and separate body from the people who receive them. In other settlements, they only love themselves ;--in *England*, they cordially love themselves, and as cordially hate their neighbours.

Junius. Preface, p. 26.

The *weasel Scots* are hungry, and want feeding.

Epistle to Dr. Shebbeare.

The *eagle England* being in prey,

To her unguarded nest the *weasel Scot*

Comes sneaking, and so sucks her princely eggs.

Shakelpeare.

basis the preservation of that compact, the proportional share of each kingdom in the legislative body remaining exactly according to its present establishment.

The monstrous injustice and glaring partiality of the present representation of the commons of England has been fully stated, and is, I believe, almost universally acknowledged, as well as the necessity of our recurring to the great leading principle of our free constitution, which declares this House of Parliament to be only a delegated power from the people at large. Policy, no less than justice, calls our attention to this momentous point. Reason, not custom, ought to be our guide in a business of this consequence, where the rights of a free people are materially interested. Without a true representation of the Commons our constitution is essentially defective, and our Parliament a delusive name, a mere phantom. All other remedies to recover the pristine purity of the form of government established by our ancestors would be ineffectual, even the shortening the period of Parliaments, even a place and pension bill, both which I highly approve, and think absolutely necessary

necessary. I therefore flatter myself, sir, that I shall have the concurrence of the House with the motion, which I have now the honour of making, “ That leave be given to bring in a “ bill for a just and equal representation of the “ people of England in Parliament.”

VOTES of April 30, 1776.

A Motion was made, and the Question being put, “ That the Resolution of this House “ of the 17th of February 1769, *that John “ Wilkes, Esquire, having been in this Session “ of Parliament expelled this House, was, and “ is, incapable of being elected a Member to “ serve in this present Parliament, be ex- “ punged from the Journals of this House, “ as being subversive of the rights of the “ whole body of electors of this kingdom.*”

Mr. *Wilkes* said,

Mr. Speaker,

The veneration, with which I am deeply impressed for the constitution of my country, the love and affection of a native to the noble privileges, the laws and liberties of England,

as

as well as duty and gratitude to the much injured freeholders of Middlesex, are the powerful motives of my again troubling the House with a question so frequently agitated within these walls, so fully discussed even the last session, although not hitherto followed with the success, which I hope on the present occasion.

The profligacy, venality, and open attempts against liberty by the last House of Commons, have made their memory odious to the people. The annals of our country are disgraced with their various violations of the rights of the subject. I shall now confine myself to a single case, but it was of the blackest nature, of the deepest dye, and branched out into many enormities, which still demand ample atonement. I allude to the iniquitous and *daring*† resolutions

† The Speech of the Speaker, Sir Fletcher Norton, when he reprimanded the Returning Officer of *Shoreham*, *Hugh Roberts*, on his knees.

In vain have our ancestors been anxiously careful to secure the freedom of elections, by all the means human wisdom and foresight could suggest; in vain have they particularly guarded against the partiality of the Returning Officer, and obliged him, by every tie, to a faithful discharge of that trust, which the Constitution hath reposed in his hands, *if men are to be found DARING enough to send members to this House, WHO WERE NEVER CHOSEN BY THE LEGAL ELECTORS.*

Journals. Feb. 14, 1771, vol. 33, p. 162.

tions respecting the elections for the county of Middlesex, and the seating Mr. Luttrell in the House, although he had confessedly only a minority of the suffrages of the freeholders, in whom the constitution has placed the right of election. While these resolutions, sir, remain among our records, I consider a precedent established under the sanction of this House to rob not only a whole county, but the entire collective body of electors of this kingdom, of their birthright, and most valuable inheritance. It is a precedent, which may be brought home to every borough, city, and county, to every freeholder, every elector in the island.

The facts were fully stated to the House in the debate on this subject the last year, and I am persuaded they live in the memory of every gentleman. I shall desire the Clerk to read only one resolution. It is that of February 17, 1769, "That John Wilkes, Esq; having
 "been, in this session of Parliament, expelled
 "this House, *was*, and *is*, incapable of being
 "elected a member to serve in this present Parliament." This declaration, in my opinion, transfers from the people to this House the

right of election, and by an unbounded, uncontrouled exercise of the *negative* power, the House in effect assume the *positive* right of making whom they please the representatives of the people in Parliament. I am very ready to admit that there are various natural and legal incapacities, and when the party is subject to any one of them, he is not eligible. Aliens, minors, bishops, are incapable of being elected into a House of Commons. Besides these, there are other incapacities arising from the peculiar circumstances of the case, and some created by particular statutes. Where however there is no natural or legal disability, the capacity of being elected is the inherent right of every freeman of the realm. He cannot be divested of it without an equal injury to the party, and to the constituent, in whom the power is constitutionally lodged of determining whom he thinks the most fit and proper person to act for him in the great council of the nation. The declaration of the House therefore, that any man, duly qualified by law, shall not be allowed to sit in Parliament as a representative of the Commons of the realm, was assuming to themselves the making

making a new law, to which only the three estates are adequate. It was disfranchising a whole county, and consequently in effect the united kingdom.

The public attention has been so long fixed on this important business, that it would be the weakest and vainest presumption in me to attempt any new arguments in support of a right acknowledged by every man, who is not in a detestable league for the subversion of all our rights, liberties, and franchises. I shall not enter on a dull repetition of the debates, which for the last seven years have come on every session, nor repeat a multitude of cases and precedents; but while I have a seat in this House, I pledge myself to my country, that I will be firm and unwearied in my endeavours, till every syllable on our Journals, which marks the injustice done to the freeholders of Middlesex, and to every elector in the island, be fully erased or obliterated.

Since the debate, however, on this question in the last session, almost within a fortnight after, a case respecting the election at Abingdon was determined here in a manner diametrically opposite to one part of this pretend-

ed law of Parliament, which has been solemnly laid down by all the advocates of the ministry in the affair of Mr. Luttrell. They argued, that all the votes given to Mr. Wilkes were thrown away, because they were given, as they asserted, to a person labouring under a legal incapacity, and consequently Mr. Luttrell, with only 296 freeholders, was entitled to his seat in preference to the other candidate with 1143. The majority of the electors of Middlesex, sir, fully answered this argument in that remarkable *petition* presented to the House by the worthy *baronet near me, on the 29th of April, 1769, in which they asserted, “ that
 “ Mr. Luttrell had not the majority of legal
 “ votes ; nor did they, when they voted for
 “ Mr. Wilkes, mean thereby to throw away
 “ their votes, or to wave their right of representation, nor would they, by any means,
 “ have chosen to be represented by Mr. Luttrell.” Notwithstanding this petition, the House, on the 8th of May following, declared
 Mr.

* Sir George Savile,

Than whom a better senator ne’er held
 The helm of Rome, when gowns not arms repell’d
 The fierce Epirot, and the African bold.

MILTON,

Mr. Luttrell duly elected. Now let us examine the still more recent case of the Abingdon election, the determination of the select committee, with all the proceedings of the present Parliament in that business. I will state them briefly, and shall afterwards desire the clerk to read from the Journals the more important passages. Mr. Bayley's petition was presented to this House on the 6th of December, 1774. It was confined to one single objection, the legal disability of the other candidate, no accusation of bribery or corruption, riots, unfair practices, or illegal votes, being exhibited. It stated, "that at the place of election, and
 "before the taking of the poll, the mayor of
 "the said borough and the other electors were
 "publicly told, that as the other candidate,
 "Mr. John Mayor, was then high sheriff of
 "that county, he was incapable of being
 "chosen a member to represent the said bo-
 "rough in this present Parliament, and that all
 "votes given for the said high sheriff would be
 "thrown away; notwithstanding which, the
 "mayor of the said borough did himself vote,
 "and also received the votes of divers other
 "persons for the said high sheriff; and that the

“ said high sheriff hath returned himself as
 “ duly elected for the said borough, in mani-
 “ fest prejudice of the petitioner, who, being
 “ the only candidate capable of being elected,
 “ ought to have been returned.” The facts,
 as stated in the petition, were admitted, as
 well as the numbers at the close of the poll,
 for Mr. Mayor 146, for Mr. Bayley only 116.
 The great question was, whether, if Mr.
 Mayor was not eligible, the votes for him were
 thrown away, and Mr. Bayley, who had not
 the majority of electors, should be declared
 duly elected? The select committee, on the
 6th of March, 1775, reported, that neither
 Mr. Mayor, nor Mr. Bayley, was duly elect-
 ed, and that the election was void. The
 House immediately directed a new writ to issue
 for Abingdon. The ministerial advocates,
 who insist on Mr. Wilkes’s legal incapacity,
 can scarcely find a case more exactly parallel.
 It is equalled only by the well known prece-
 dent of Mr. Walpole, and Mr. Taylor, in
 1711. Yet the burgesses of Lynn were not
 insulted, by having a gentleman declared their
 representative, whom they never elected. The
 Abingdon case was of the most public noto-
 riety.

tiety. The returning officer, and all the electors of Abingdon, were publicly informed of Mr. Mayor's legal incapacity. Mr. Bayley polled near half the voters of that borough. His opposition however being not to a friend of liberty and the people, but having made the attack on a *subaltern in the ministerial forces*, he had little chance of being an adopted child of the House, or of a committee selected from the present majority.

The arbitrary resolution on our Journals, and the appointment of Mr. Luttrell, I consider as an absolute surrender of the constitution to the minister. The laws of the land are of no avail, when this House alone can make a new law, adapted to the caprice, violence, or injustice of every emergency, and when representation in Parliament no longer depends upon the choice of the electors. The people of England may in vain assemble with the fond hope of effectually exercising their noblest franchise, if the object of their choice is really what he ought to be, an independent friend of liberty, superior to menace or corruption. The minister has found out a way to baffle them in all their proceedings. He may,

on any pretence, however frivolous, procure an *expulsion*, and *expulsion*, we know, means *incapacitation*; so that during a long period of seven years, the favourite object of a country's choice may be kept out, and the nominee of a minister be declared to represent a populous county. Can there be a more solemn mockery of the rights of a free people?

While such arbitrary resolutions as those respecting the Middlesex elections remain on our Journals, I think the minister holds high the rod of vengeance over the head of every member of this House. He stands here with an uplifted arm, *sublimi flagello*, to punish the refractory, and almost every action of the majority seems to betray their being either swayed by the dastardly passion of fear, or corrupted by the mean principle of reward. We are governed by Solon's plan, *præmio et pœna*, as Cicero has summed it up in three words. Is a member obnoxious or unruly? Accuse him of a libel, or any other crime; then vote away your own privileges to get at him; and before the cause can come to a trial by a jury of his countrymen *on oath*, examine two or three partial and well-instructed witnesses *under no*
such

such sanction, and you may proceed immediately to expulsion. You then vote him incapable of being re-elected. The creature of the minister is received in his place, and declared a representative of the people. A House of Commons may in this manner be so garbled, as not to contain a single fair and honest representative, elected according to the law of the land.

The motion of expunging from our records the resolutions of which I complain, is I know considered by some gentlemen as a violent measure. The case, I think, requires the most spirited mode of redress. I wish as full atonement to the people as possible. The last Parliament gave us an instance of expunging from our Journals what never ought to have been moved in this House, the thanks to a stupid † tory parson, of the rank Oxford breed

† Journals of Feb. 25, 1772, Vol. 33, p. 509.

The House was moved, That the Entry in the Votes of the House, of the 31st day of January last, "that the thanks of this House be given to the Reverend Doctor *Norwell*, for the Sermon preached by him yesterday before this House, at St. Margaret's Westminster, and that he be desired to print the same," &c, &c," might be read.

breed, for a libel on the Revolution, and the present establishment, in a sermon preached on the anniversary of the merited death of the tyrant, Charles I. If so trifling a business as a foolish

Resolved, That the said Entry be *expunged* from the Votes of this House.

The *tory* fame of the wretched *Doctor Nowell* has lately suffered a total eclipse by a pedantic schoolmaster of Westminster, promoted to the Archbishoprick of York in Dec. 1776, a *Doctor William Markham*. He preached a sermon, all-powerful to *soothe the soul in slumbers*, at Bow Church in the City, Feb. 21, 1777, before the Incorporated Society for the Propagation of the Gospel in foreign parts. In what a *meek* spirit of *christianity*, of gentleness, patience, and forbearance, does this Minister of the gospel of pence state the nature, and bewail the wickedness, of the deluded *parties* among us? By what tender bonds of love and charity does this *High Priest* endeavour to bring over the noblemen and gentlemen in the *opposition* to the court paths of honour, peace, and perhaps preferment? His Grace observes, “ nothing is too mean for the uses of *parties*, as they are
“ now constituted *Parties* once had a principle belonging to them, absurd perhaps, and indefensible, but still
“ carrying a notion of duty, by which honest minds
“ might easily be caught. But they are now *combinations of individuals*, who instead of being the
“ sons and servants of the community, make a *league*
“ for advancing their private interests. It is their
“ business to hold high the notion of political honour.
“ I believe and trust it is not *injurious* to say, that
“ such a bond is no better than that, by which the lowest
“ and

foolish sermon, neither heard nor read by a score persons, called for so spirited a measure, can it be deemed improper or violent, when the rights of all the electors of the kingdom have been openly invaded, and the usurpation justified

"and wickedest combinations are held together; and that it denotes the last stage of political depravity."

And is really the union in a great national cause of such men as have composed the present *opposition*, and set their names to the spirited *Protests* of the very last session, the Portlands, Richmonds, Devonshires, Manchesters, Rockinghams, Abingdons, Chathams, Sheldons, Effinghams, Fitzwilliams, Torringtons, &c, &c, and of the Saviles, Cavendishes, Townshends, Johnstones, Glynns, Wrays, Burkes, Barrés, &c, &c, is such a combination of individuals in the two Houses of Parliament to be considered as *a bond no better than that, by which the lowest and wickedest combinations are held together?* Are they really *no better than the lowest and wickedest combinations of pirates and banditti?* Are they really *no better* than gangs of robbers and highwaymen?

Ne sævi, magna sacerdos.

Virgil. *Æn.* 6. l. 544.

Surely instead of this coarse compliment we might expect a little favour from his Grace, when he assures us, "the apostles themselves, *with all their advantages*, were not easily freed from the entanglement of popular error." If the inspired Apostles did indeed err, we uninspired private christians might expect some indulgence, not inquisitorial severity on account of our popular errors, not to be considered as in a desperate case, in the last stage of political depravity. I believe and trust it is injurious to say this.

This

justified by gentlemen in the highest offices under the crown? The circumstance is truly alarming, and demands the utmost exertions of an honest zeal and generous ardour for the public weal.

I own that I am not so nice and scrupulous about preserving every line of the immensity of the learned lumber in our Journals. They are become

This political sermon tells us, "*what is assumed upon the present occasion is the glorious nature of LIBERTY. It realizes and secures all the rest; and by those, who are in the enjoyment of it, ought to be maintained at all hazards.*" Have not the Americans on this just ground taken up arms? "*But it remains to be settled.*" Was it not settled by the Revolution? "*Wherein does it consist?*" St. Paul, in the Epistle to the Romans, has answered this question of the Archbishop of York. He makes liberty, glorious liberty, consist in being delivered from the *bondage of corruption*, a prayer, which is often made by the people of England for the High Court of Parliament. The Apostle says, "because the creature itself also shall be delivered from the *bondage of corruption* into the glorious liberty of the children of God." chap. 8, ver. 21. The Archbishop goes on, "I have sometimes thought it a misfortune, that a thing so valuable and important, should have no word in our language to express it, except one which goes to every thing that is wild and lawless." Does the signification of the word liberty really go to every thing that is wild and lawless? Has this learned Prelate, who is so deep in Latin, Greek, He-

become the mere registers of *royal edicts*, of turnpike roads, enclosures, and matters of private business. There are many whole pages disgraceful to the nation among our *trivial, fond records*. My heart bleeds, when I read all the unjust and inhuman resolutions

Hebrew, the Coptic, Persian, Chaldaic, Arabic, Syriac, Phœnician, Palmyrene, Chinese, Gentoo, &c, &c, who is himself a perfect *Polyglott*, has he never heard of the English words *licentiousness* and *licence* to express *every thing that is wild and lawless*, as distinguished from *liberty*. Pensioner Johnson's Dictionary would have told him that *licentiousness* is "boundless *liberty*, a contempt of just restraint." He might there have found the authority of *Swift*, who says, "this custom has been always looked upon, by the wisest men, as an effect of *licentiousness*, and not of *liberty*." He would in the same dictionary have found that "*licence*" "is exorbitant *liberty*, contempt of *legal* and necessary restraint." Milton understood the difference between *liberty* and *licence*, as well as *Swift* did between *liberty* and *licentiousness*, although the Archbishop of York seems to understand neither. The English Homer says, "*Licence* they mean, when they cry *liberty*." The English language is not reproached with poverty, but by those, who are ignorant of it.

What a melancholy consideration is it for the rising generation, that an illiberal Priest, one of

The low-born, cell-bred, selfish, servile band, although now promoted to be a general officer in the *sable army* of the ministerial mercenaries of the *Church Militant* in the House of Lords, that such a man

missions against our fellow subjects in America; the fleets and armies voted for the vain attempt of subduing the *unconquerable spirit of liberty* among the descendants of Englishmen. When I reflect on the subsequent proceedings, the barbarous and savage manner in which you have carried on the war, by attempting to starve thousands of industrious fishermen, and labouring poor, with their families, as well as the burning open and defenceless towns and villages, I wish, for the national humanity and honour, which formerly

man should have been Preceptor to the children of England, to the Prince of Wales, and Bishop of Osnabrug? Was a mere *bookworm*, who does not yet know the meaning of the most important word in the language of this free country, who is equally ignorant of the *thing*, and is found stumbling at the very threshold of *liberty*, was such a person fit for such a charge? *The child that is unborn may rue the fatal mistake.* Is the next age likewise to deplore the mischievous errors of the bad education of their prince?

I was really forced to remind his Grace of the Apostle Paul. May I softly whisper in his ear a few words of St Peter, because they are a good receipt to cure *magisterial pride and petulance*? *As free, and not using your LIBERTY for a cloke of MALICIOUSNESS---honour all men, love the brotherhood.*

The First Epistle General of Peter,
ch. ii. v. 16, 17.

ly stood so high, that these black pages of our Journals, and every trace of the cruelties and horrors which followed, were obliterated from the records of this House, of this kingdom, of the human race.

In justice to the usurped and violated rights of this county, in a full sense of duty to all my brother electors at large, and to prevent the most fatal and pernicious precedent being ever used by a wicked and ill designing minister to the destruction of the sacred right of election, of national freedom, and independency, I move,
 “ that the resolution of the House of the 17th
 “ of February, 1769, *that John Wilkes, Esq;*
 “ *having been in this session of Parliament ex-*
 “ *pelled this House, was and is, incapable of sit-*
 “ *ting in the present Parliament,* be expunged
 “ from the journals of this House, as being
 “ subversive of the rights of the whole body
 “ of the electors of this kingdom.”

VOTES of October 31, 1776.

Resolved, “ That an humble address be pre-
 “ sented to His Majesty, to return His Ma-
 “ jesty the thanks of this House, for His most
 “ gracious Speech from the Throne :

To

To assure His Majesty, “ that while we
 “ lament the continuance of the troubles
 “ which have so long distracted His *Colonies* in
 “ *North America*, and of the calamities and
 “ oppressions which our unhappy Fellow Sub-
 “ jects are still suffering under the arbitrary
 “ tyranny of their leaders, we cannot forbear
 “ to express our detestation and abhorrence of
 “ the audacious and desperate spirit of ambi-
 “ tion, which has at last carried those Leaders
 “ so far, as openly to renounce all allegiance
 “ to the Crown, and all political connection
 “ with this country; and in direct terms to
 “ presume to set up their *rebellious confederacies*
 “ *for Independent States*,” &c. &c.

Mr. Wilkes said,

Mr. Speaker,

The † honourable gentleman, who spoke
 last, endeavours to mislead the House. It is
 certain that no pressing has at this time been
 carried on in the city of London, or its liber-
 ties. No press-gangs have dared to make their
 appearance in that jurisdiction. Those lawless
 bands

† George Wombwell, Esq; Member for Hunting-
 don.

bands of cruel banditti very prudently chose other scenes of horror and bloodshed, of less danger to themselves. The city has hitherto remained in perfect safety and tranquility, in a most happy state of security, by the vigilance, intrepidity, and noble love of liberty, which are conspicuous in its present worthy † chief magistrate.

The conduct of Administration, Sir, in the late issuing of press-warrants, before they had tried the operation of the high bounty, is totally unjustifiable. The Speech now in your hand, Sir, is so very pacific, that the large bounty of five pounds for every able, and fifty shillings for every ordinary, seaman, promised in last Saturday's Gazette, might safely, for a short time at least, have been trusted to, the emergency not being thought by administration very critical. From the minister's own state of public affairs in the Speech there was no danger in the experiment. Much cruelty and bloodshed had been avoided, many valuable lives preserved.

The affair of Long Island has been misrepresented, and greatly magnified. The su-

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periority

† Mr. Sawbridge, Member for London, then Lord Mayor.

periority of numbers was very considerable. General Howe landed 22,000 men. The provincials had only 6,000 effective men on that island. They were ordered to retreat, and 4,000 did accordingly, without being attacked, embark for the island of New-York. There was a *real mistake of orders* as to the other 2,000, but they acted as brave men always will act under a *mistake of orders*; they *fought*. They saw the enemy, left their entrenchments, and attacked with spirit. From the superiority of numbers, and their flanks being neglected and unguarded, they were totally defeated. They did not however remain *inactive, like cowards*, on an important day of battle. No such imputation can be fixed on *them*. Nothing decisive can follow from the late successful affair against the Americans on Long Island, no more than from the defeat of the British troops at Sullivan's island. New York will probably fall into your hands, but your situation will in that case be scarcely mended since the last year, for you then possessed the capital of North America, Boston. Is that great and important town advantageously exchanged for New York? I forgot that

that we still likewise possess the fishing hamlet of Halifax.—But, Sir, we ought to take a much larger and more comprehensive view of this interesting scene, which is now fully disclosed.

The important dispute of Great Britain with her colonies has for a considerable time fixed the attention, not only of this nation, but of almost all Europe. The most essential interests of this country, and indeed of the greater part of the powers on the continent, are deeply interested in the event. The sacrifice of so much blood and treasure is to every state an object of high importance, but to us, whose empire seems mouldering away, of the nearest concern. I much fear we are now brought by inextricable difficulties to the very verge of destruction.

Since our last meeting, Sir, the scene, with respect to America, has totally changed. Instead of negotiations with various provincial assemblies, instead of deliberating on the most effectual mode of enforcing the parchment declaration of our† *constitutional superiority over*

K 2

our

† The late administration came into employment under the mediation of the Duke of Cumberland,
July

our Colonies, of our right to bind them in all cases whatsoever, we must consider if we have power to bind them in any case, for we have now a war to carry on against the Free and Independent States

July 10, 1765, and was removed, upon a plan settled by the Earl of Chatham, on July 30, 1766, having lasted one year and 25 days.

In that space of time

The distractions of the British Empire were composed by
 "The Repeal of the American Stamp-Act,"

But the *constitutional superiority* of Great Britain
 was preserved by

"The Act for securing the dependance of the Colonies,"
 &c, &c.

A short Account of a late Administration.

[published in August 1766.]

The Act, commonly called the *Declaratory Act*, is so much the subject of political dispute, that I shall give it entire from the Statutes at large.

Anno Sexto Georgii III. A. D. 1766.

An Act for the better securing the Dependency of His Majesty's Dominions in America upon the Crown and Parliament of Great Britain.

Whereas several of the Houses of Representatives in His Majesty's Colonies and Plantations in America, have of late, against Law, claimed to themselves, or to the General Assemblies of the same, the sole and exclusive right of imposing Duties and Taxes upon His Majesty's subjects in the said Colonies and Plantations; and have, in pursuance of such claim, passed certain votes, resolutions, and orders, derogatory to
 the

States of America; a wicked war, which has been occasioned solely by a spirit of violence, injustice, and obstinacy in our ministers, unparalleled in history. In the beginning of

K 3

Sep-

the legislative authority of Parliament, and inconsistent with the dependency of the said Colonies and Plantations upon the Crown of Great Britain: May it therefore please your most excellent Majesty, that it may be declared; and be it declared by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Colonies and Plantations in America have been, are, and of right ought to be, subordinate unto, and dependent upon, the imperial Crown and Parliament of Great Britain; and that the King's Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons of Great Britain, in Parliament assembled, *had, hath, and of right ought to have, full power and authority to make Laws and Statutes of sufficient force and validity to bind the Colonies and People of America, subjects of the Crown of Great Britain, in all cases whatsoever.*

II. And be it further declared and enacted by the authority aforesaid, That all Resolutions, Votes, Orders, and Proceedings, in any of the said Colonies or Plantations, whereby the power and authority of the Parliament of Great Britain, to make Laws and Statutes as aforesaid is denied or drawn into question, are, and are hereby declared to be, utterly null and void to all intents and purposes whatsoever.

The

September, in the last year,† a very humble and dutiful *Petition* was sent from the congress to his Majesty, in which his Majesty was supplicated “to direct some mode, by which the
 “ united applications of his faithful colonists
 “ to the throne, in pursuance of their com-
 “ mon councils, may be improved into a hap-
 “ py and permanent reconciliation.” There was not a word in the *petition* which did not breathe submission and loyalty, and yet the official answer of Lord Dartmouth, secretary at that time for the American department, after a long deliberation, was to the last degree irritating. It was, *that no answer would be given,*

The *Declaratory Act*, and the *Repeal of the American Stamp-Act*, received the Royal Assent on the same day, March 18, 1766, in the Administration of the Marquis of Rockingham.

† The strong desire of peace and reconciliation in the inhabitants of Massachusetts Bay, which has been always considered as the most violent as well as powerful of all the American colonies, even immediately after the *murders* by the King's troops at Lexington and Concord, on the 19th of April, 1775, is conspicuous in their “ Address to the inhabitants of Great Britain.”

In Provincial Congress. Watertown,
 April 26, 1775.

Friends, and Fellow Subjects,

Hostilities are at length commenced in this colony by the troops under command of General Gage, &c. &c.
 These,

given, that is, we will not treat, we scorn to negotiate with you, we exact *unconditional submission*. This answer, Sir, in my opinion, might justly be called *indignity and insult*, and in a much higher degree than what the *Speech* says the Americans have offered to England, after all the provocations on our part. It drove the Americans to despair, and with the violation of the perfidious promises in Lord

K 4

Hillsborough's

These, brethren, are marks of *ministerial* vengeance against this colony, for refusing, with her sister colonies, a submission to slavery; but they *have not yet detached us from our royal sovereign; we profess to be his loyal and dutiful subjects*; and so hardly dealt with as we have been, are still ready with our lives and fortunes to defend his person, family, crown, and dignity; nevertheless to the persecution and tyranny of his cruel ministry, we will not tamely submit; appealing to Heaven for the justice of our cause, *we determine to die or be free*.

We cannot think that the honour, wisdom and valour of Britons will suffer them to be longer inactive spectators of measures in which they themselves are so deeply interested; *measures* pursued in opposition to the solemn *Protests* of many noble Lords, and expressed sense of conspicuous *Commons*, whose knowledge and virtue have long characterized them as some of the greatest men in the nation; *measures* executing contrary to the interest, petitions and resolves of many large respectable counties, cities, and boroughs in Great Britain; *measures* highly incompatible with
justice

Hillsborough's famous official † circular letter, laid the real foundation of their *Declaration of Independency*.

Much has been said, Sir, of the *prophecy* of the ministers, that the Americans would in the end declare themselves *independent*. I give the ministers no credit for such a prophecy. They went on the surest grounds. They might very safely promulgate such a prediction, when they knew that the unjust and sanguinary measures, which they intended to pursue, must bring about the event.

justice, but still pursued with a specious pretence of easing the nation of its burthens; *measures* which, if successful, must end in the ruin and slavery of Britain, as well as the persecuted American colonies.

We sincerely hope that the great Sovereign of the Universe, who hath so often appeared for the English nation, will support you in every rational and manly exertion with these colonies for saving it from ruin, and that *in a constitutional connection with our mother country, we shall soon be altogether a free and happy people.*

Signed by Order,

JOS. WARREN, President.

† The Circular Letter of the Earl of Hillsborough, Secretary of State for the Colonies, to all the Governors on the Continent and Islands.

Whitehall, May 13, 1769.

Inclosed I send you the gracious Speech made by the King to his Parliament at the close of the Session on Tuesday last.

What

event. They drove the Americans into their present state of *independency*. The Jesuits in France risqued nothing when they prophesied in 1610 the death of the best prince that ever reigned in Europe, within that year. Their's was the *sure word of prophecy*. They employed Ravailac to assassinate their sovereign.

An

What His Majesty is pleased to say in relation to the measures which have been pursued in North America will not escape your notice, as the satisfaction His Majesty expresses in the approbation his Parliament has given to them, and the assurances of their firm support in the prosecution of them, together with his royal opinion of the great advantages that will probably accrue from the concurrence of every branch of the legislature in the resolution of maintaining a due execution of the laws, cannot fail to produce the most salutary effects.

From hence it will be understood, that the whole legislature concur in the opinion adopted by His Majesty's servants, that no measure ought to be taken which can any way derogate from the legislative authority of Great Britain over the Colonies; but I take upon me to assure you, notwithstanding insinuations to the contrary from men with factious and seditious views, that His Majesty's present administration have at no time entertained a design to propose to Parliament to lay any further taxes upon America *for the purpose of raising a revenue*. and that it is at present their intention to propose in the next Session of Parliament to take off the duties upon glass, paper and colours

An honourable† gentleman near me, sir, attacks the American *Declaration of Independency* in a very peculiar manner. He pronounces it a wretched composition, very ill written, drawn up only with the view to *captivate the people*. That, sir, is the very reason why I approve it most as a composition, as well as a wise, political measure, for *the people* are to decide this great controversy. If they are *captivated* by it, the end is attained. The polished periods, the harmonious, happy expressions, the grace, ease, and elegance of a beautiful diction, which we chiefly admire, very little *captivate* the people of America. Manly, nervous sense they relish, even in the most awkward and uncouth

lours upon consideration of such duties having been laid contrary to the true principles of commerce.

These have always been, and still are, the sentiments of His Majesty's present servants, and the principles by which their conduct with respect to America has been governed, and His Majesty relies upon your prudence and fidelity for such an explanation of His measures, as may tend to remove the prejudices which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her Colonies, and to re-establish that mutual confidence and affection upon which the glory and safety of the British empire depend.

† Governor Johnstone, Member for Appleby.

couth dress of language. Whatever composition produces the effect which is intended in the most forcible manner, is, in my opinion, the best, and the most to be approved. That mode should always be pursued. It has the most merit, as well as success, on the great theatre of the world no less than on the stage, whether you mean to inspire *pity, terror*, or any other passion.

The honourable † gentleman, Sir, who seconded the address, says, the American *Declaration of Independency* was no surprize to him—nor I believe, Sir, to any man of common reflection, after our hostilities and cruelties, after the frantic and extravagant career, which administration pursued, with a full chorus of approbation from the majority of this House.

The speech in your hand, Sir, which an † honourable gentleman near me has well called a *speech of hypocrisy*, mentions the “assurances of amity, which his Majesty continues to receive from the several courts of Europe.” At the beginning of the last session, the minister gave us in the King’s speech more explicit

† George Finch Hatton, Esq; Member for Rochester.

† Governor Johnstone.

plicit assurances. It was said, " I am happy
 " to add, as well from the assurances I have
 " received, as from the general appearance of
 " affairs in Europe, I see no probability that
 " the measures, which you may adopt, will be
 " interrupted by disputes with any foreign
 " power." We have no such assurances held
 out to us this year, that our measures will not
 be interrupted by disputes with any foreign
 power; but we have still assurances of amity,
 which are daily contradicted by the immense
 preparations of the neighbouring foreign pow-
 ers of France and Spain, and indeed of the
 whole house of Bourbon. The accounts from
 Naples contain little but the vast preparations
 making by the king of the two Sicilies. Are
 we indeed simple and credulous enough to
 trust to general vague expressions of politeness,
 against the clear evidence of facts? Our mi-
 nistry know very well that an American pri-
 vateer being lately stopped at Bilboa in Biscay,
 an express was immediately dispatched to Ma-
 drid, which returned with the fullest directions
 for the release of the privateer, and permission
 to furnish him with provisions, stores, ammu-
 nition, in short, with whatever he wanted. This

fact

fact will not be denied. Is Spain then one of the foreign powers, which again soothes us with these honied assurances of amity? Has fate ordained, that we are neither to possess capacity enough to profit by the example of others, nor even by our own experience? In the very first year of the present reign, in September 1761, the Gazette told us, that "the Catholic king had, at no time, been more intent upon cultivating a good correspondence with England, than in the present conjuncture." This declaration was received seriously here, held out as part of the court creed among us, and laughed at by all the rest of Europe. In the beginning of the following January, without any one new fact having occurred of any moment, war was declared by England against Spain. Will the plausible, smooth-tongued French likewise be able to lull us into a fatal security against the evidence of all history? Can we expect to be treated by them in any other manner than the Spaniards were at the time of the famous revolt of Portugal? The French sent whole regiments, completely officered, into the service of the house of Braganza. They paid them underhand

hand the same as their national troops, yet all the while declared their abhorrence of rebellions and of rebels, issuing proclamation after proclamation, and recalling their deserters under the most severe penalties. Sir, there is not a power in Europe, unsubsidized by Great-Britain, which does not wish success to the Americans. We are considered almost everywhere on the continent, in the odious light of † tyrants and oppressors.

The

† A French gentleman, whose universal genius is no less admired at Petersburg than at Paris, after mentioning some *speeches* in the English House of Commons on American Affairs, writes to his friend at London.

J'en ai aussi fait un, et le voici. "Messieurs, je ne vous parlerai point de la justice ou de l'injustice de votre conduite. Je sens bien que ce mot n'est que du bruit, quand il s'agit de l'intérêt général. Je pourrois vous parler de vos moyens de réussir; et vous demander si vous êtes assez forts pour jouer le rôle d'oppressors. Cela toucheroit un peu de plus près à la question; cependant je n'en ferai rien. Mais je m'entendrai à vous supplier de jeter les yeux sur les nations qui vous haïssent. Interrogez les; voyez ce qu'elles pensent de vous, et dites moi jusques à quand vous avez résolu de faire rire vos ennemis."

Il paroît ici un papier qu'on dit être d'un homme important de votre nation. Il paroît par ce papier qu'il

The speech, Sir, states, that "if treason
 "be suffered to *take root*, much mischief must
 "grow from it to the safety of my *loyal colo-*
 "nies." Alas! Sir, what we call treason and
rebellion, and they just resistance and a glo-
 rious *revolution*, has *taken root*, a very deep
root indeed, and has spread over almost all the
 American colonies. In this very speech, we
 are told of *their numbers, their wealth, their*
strength by sea and land. The *loyal* colonies are
 three, the *free* provinces thirteen. In laying
 on the embargo, the exception to the rule is
 ridiculous enough. It is as thirteen to three.
 The Gazette says, "any of my colonies in
 "North America, *except* the colonies of New-
 "Hampshire, Massachuset's-Bay, Rhode-Is-
 "land, Connecticut, New-York, New-Jersey,
 "Pennsylvania, the three lower countries on
 "De-

le projet secret de la mere patrie, est de faire égorger
 la moitié des colons, et de reduire le reste à la condi-
 tion des negres.

Nothing surely could be more lamentable to those
 who remember the flourishing days of this kingdom,
 than to see the insane joy of several unhappy people,
 amidst the sad spectacle which our affairs and conduct
 exhibit to *the scorn of Europe*.

Burke's Letter to the Sheriffs of Bristol.

“ Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.” Of what other colonies was his Majesty in possession *at his accession to the throne*? I think the permission extends only to the *three* provinces, which we have not yet lost, to the Roman Catholic provinces of Canada and Florida, and to Nova Scotia.

We have now been carrying on for two years a savage and piratical, as well as an unjust, war. Every demand of government has been complied with, and yet the great force employed both by sea and land has not hitherto recovered a single province of all the confederated colonies. On the contrary, the evil grows more desperate. † The last year only
twelve

† The *wise* Archbishop of York tell us, “ that we must rely on the *wisdom* of our governors, in confidence that NECESSITY will at last provide those remedies, which *foresight* did not. [*This seems quite a new application of the doctrine of NECESSITY.*”

Sermon preached in the City before the Society for the Propagation of the Gospel in foreign parts.

America is not subdued. Not one unattacked village, which was originally adverse throughout that vast continent, has yet submitted from love or terror.
You

twelve colonies humbly petitioned the throne. This year, by the accession of Georgia, we have seen a federal union of thirteen free and powerful provinces asserting their *independency* as *high and mighty states*, and setting our power at defiance. This was done with circumstances of spirit and courage in these *revolted* colonies, to which posterity will do justice, for it was directly after the safe landing of your whole force. In return you have plundered their coasts, and set fire to their open towns and defenceless villages with a barbarity, which disgraces the English name. In the midst of all the cruelties, terrors, and *devastations*, which follow your arms, *for before them is as the garden of Eden, and behind them as the desolate wilderness*, the spirit of the Americans is still unsubdued. I hope, and firmly believe, you never will conquer the free spirit of the descendants of Englishmen, thus exerted in an honest cause. They honour and value the bles-

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sings

You have the ground you encamp on; and you have no more. The cantonments of your troops and your dominions are exactly of the same extent. You spread *devastation*, but you do not enlarge the sphere of authority.

Letter from Edmund Burke, Esq; to the Sheriffs of Bristol, dated April 3, 1777. Bristol ed. p. 25.

sings of liberty, and are determined to *live and die freemen*,* notwithstanding the vain efforts of every arbitrary power in Europe. It is a foolish attempt to think of conquering and holding the immense territory of North America, when the whole country is united against us. The Minister argues in a trifling manner in the *Speech* on the *decisive good consequences* from events only in the province of New York. They do not prove that we shall subdue Virginia, or either of the Carolinas. Success in two or three battles or sieges cannot conclude for the final success of a war, so extensive already, so greatly complicated.

As to the *unanimity at home* prophesied of in the *Speech*, the very idea is absurd, because
im-

* If there be one fact in the world perfectly clear, it is this, "That the disposition of the people of America is wholly averse to [from] any other than a free government." Page 55.

† They are continually boasting of *unanimity*, or calling for it. But before this *unanimity* can be matter either of wish or *congratulation*, we ought to be pretty sure, that we are engaged in a rational pursuit. Phrenzy does not become a lighter distemper on account of the number of those who may be infected with it. Delusion and weakness produce not one mischief the less because they are *universal*.

Letter from Edmund Burke, Esq; to the Sheriffs of Bristol. P. 38.

impossible, while the present system of injustice and oppression is pursued. The American war has been declared by several gentlemen in this House to be unjust, and unconstitutional in its first principle, and, if persisted in, necessarily to bring on our ruin. We have neither force to conquer, nor strength to maintain such extensive conquests, if we could at present succeed, if we could continue, by every base compliance and sacrifice of national honour, to persuade our ancient open enemy, and present false † friend, France, to wear the political mask of amity, and preserve a precarious peace. France secretly exults, when she sees our brave countrymen turning their victorious swords into their own bowels.

Our situation, sir, is become truly critical. The constitution of this country is at home sapped by bribery and corruption. On the

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other

† The great Duke of Marlborough, in a letter to Queen Anne, says, “ It is not my opinion only, but the opinion of all mankind, that the *friendship* of France must needs be destructive to your Majesty: there being in that court a root of enmity irreconcilable to your Majesty’s government, and the religion of these kingdoms.”

An Account of the Conduct of the Dowager Duchess of Marlborough, Page 263.

other side the Atlantic it is assailed by violence and force of arms. The too fatal success in this devoted nation is very evident, but in the new world, I trust, as a friend to mankind, that all the despotic measures of a tyrannical administration will prove ineffectual. It cannot be too often held out to ministerial folly and obstinacy, that it is impossible for this island to conquer and hold America. They are determined and united. Your fleets may indeed every year carry horror through all their coasts. Your armies may possess some sea-port towns, but the numerous, and greatly increasing, people of the provinces will retire into the interior parts, of which you have already had some experience. Peaceful towns and villages will cover their fruitful plains, and liberty fix her blest abode among them, the unmolested, happy inhabitants rejoicing that they are *procul à Jove, procul à fulmine*.

I heartily agree, sir, with the § noble Lord in the amendment proposed ; but I go farther, and my opinion is, that if we expect to save the empire, to preserve even for a short period, Canada or the West-Indian islands, or to recover

§ Lord John Cavendish, Member for York.

ver any part of the immense territory we have lately lost, we must recall our fleets and armies, immediately repeal all the acts injurious to the Americans passed since 1763, and restore their charters. We may then, *if they will forgive, and can trust us*, treat with them on just, fair, and equal terms, without the idea of compulsion. In this way only can a foundation be laid for the restoration of peace, internal tranquillity, and unity to this *convulsed*† and dismembered empire.

L 3

VOTES

† Sir William Draper says, “that this country is *convulsed* in every part by *anonymous*, wicked, and “incendiary writers.” Locke is of opinion, that “*oppression* is the great cause of *civil commotion*,” and surely rank, foul acts of *oppression* have been frequent for many years throughout this empire. The Knight of the Bath being himself a fine, a very fine writer, attributes, in my opinion, too much to the influence of fine writing, perhaps even of his own very fine writing, for the body of *the people* are more usefully employed than in the perusal of polite, elegant authors. *The people* do not read very much, nor reason closely on every occasion, but they always *feel* justly. Sir William, having sheathed the bloody sword, and bid Farewel the neighing steed, and the shrill trump,
The spirit-stirring drum, the ear-piercing fife,
The royal banner, and all quality,
Pride, pomp, and circumstance of glorious war,
Shakespeare.

brandishes the *peaceful* pen, spills oceans of ink, and
amuses

VOTES of February 17, 1777.

The Bill to empower His Majesty to secure and detain Persons charged with; or suspected of, the Crime of High Treason, committed in *North America*; or on the High Seas, or the Crime of Piracy, was read the third time; and

amuses himself in tuning to a delicate ear smooth and melodious periods. He never was the *miles gloriosus*, but a *false modesty* does not make him now conceal the obligation he confers on mankind by his writings, nor content himself with *anonymous* literary applause. Locke, *nobly pensive*, regardless of classical praise, intent only on serving mankind, passed his life in deep researches concerning the "Human Understanding," and "Civil Government." He does not quite agree with Sir William. He tells us, "people are not so easily got out of their old forms, as some are apt to suggest. They are hardly to be prevailed with, to amend the acknowledged faults, in the frame they have been accustomed to. Great mistakes in the ruling parts, many wrong and inconvenient laws, and all the slips of human frailty, will be borne by the people without mutiny or murmur. But, if a long train of abuses, prevarications, and artifices, all tending the same way, make the design visible to the people, and they cannot but feel, what they lie under, and see whither they are going; it is not to be wondered that they should then rouse themselves, and endeavour to put the rule into such hands, which may secure to them the ends, for which government was at first erected."

Locke of Civil Government, book II. ch. 19.

and an ingrossed Clause was added, by the House, to the Bill, by way of *Ryder*.

Mr. *Wilkes* said,

Mr. Speaker,

I cannot continue silent while the fate of so important a Bill as the present is depending before this House. Administration at first brought in this Bill in a form, which gave a very general and just alarm to the city, to the nation. If it had passed in that form, in my opinion the whole kingdom would have been put under an *interdict of law*. The personal liberty of every man in this island had been precarious and insecure, depending solely on the will of the minister. The spirit of the Bill in its original state was oppression and tyranny *through every part of the empire*. In this state the Bill has continued *till this day*. By the patriotic zeal of an † honourable gentleman of the law, a clause has just been offered, and adopted by way of *Ryder*, as it is called in this stage of the Bill, which gives peace of mind, and security in some degree, to every subject resident in this kingdom, for persons under this description are at length de-

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clared

† John Dunning, Esq; Member for Calne.

clared not to be the objects of this Bill.† I speak of the clause, Sir, even as pretended to be

† In Mr. Burke's Letter to the Sheriffs of Bristol it is said, "the main operative regulation of the act is to suspend the common law, and the statute, *Habeas Corpus*, (the sole securities either for liberty or justice) with regard to all those who have been out of the realm, or on the high seas, within a given time. The rest of the people, as I understand, are to continue as they stood before.

"I confess, gentlemen, that this appears to me, as bad in the principle, and far worse in its consequence, than an universal suspension of the *Habeas Corpus* act; and the limiting qualification, instead of taking out the sting, does in my humble opinion sharpen and envenom it to a greater degree. Liberty, if I understand it at all, is a general principle, and the clear right of all the subjects within the realm, or of none. Partial freedom seems to me a most invidious mode of slavery." p. 15.

When Mr. Dunne moved the clause of limitation, he said that he meant to take the sting out of the Bill as to all the people of Great Britain, whom he justly represented as exceedingly alarmed at the suspension of the Common Law and the *Habeas Corpus*, at the temporary loss of those bulwarks of the constitution, which Mr. Burke admits to be the sole securities either for liberty or justice. The city of London had petitioned the House of Commons on the 14th of February, and declared, that if the Bill should pass into a law, it would create the greatest uneasiness in the minds of many of His Majesty's good subjects, and tend to excite the most alarming disturbances, &c, &c, therefore earnestly beseeching the House, that the said Bill may not pass into a Law: or

at

be amended by an † honourable gentleman on the treasury bench. His words however, Sir, *out of the realm*, are too loose and ambiguous, by no means descriptive enough of the persons,

at least to take such care as in their wisdom may seem meet, to prevent it from being extended, in its operation or construction, to any of His Majesty's subjects resident in these kingdoms. The great wish and effort of those gentlemen in opposition, who attended their duty in Parliament, was to have thrown out the Bill, and thereby freed every subject of the empire from the terrors of the arbitrary power proposed to be vested in the present administration. When *that* was found impracticable after repeated trials in every stage of the Bill, they exerted themselves, and happily succeeded in delivering most of the inhabitants of Great Britain, *His Majesty's subjects resident in these kingdoms*, from the fangs of a cruel ministry. To them the nation is indebted for the present peace and security of its capital, of this great seat of empire, of this whole island. Are they now, instead of being thanked, to be harshly told by those, who did not attend their duty in Parliament, that they have done mischief, that, so far from *taking out the sting*, they have *sharpened and envenomed it to a greater degree*, that they ought to have suffered so wicked an Act to have been *universal*, and to have extended to Great Britain as well as America? Are they now to be reproached by those, who would not join in the ministerial attack, that the Act is *far worse in its consequence*, when by their generous struggles, and glorious victory, it can have no consequence whatever to the most important part of the empire?

† Charles Wolfran Cornwall, Esq; Member for Winchelsea, a Lord of the Treasury.

sons, who are declared by administration not designed to be the objects of the Bill. The Bill

empire? Were they to have sacrificed *the sole security* either for liberty or justice for themselves, for the whole island, to a speculation, that partial freedom was a most invidious mode of slavery? Mr Burke judges better for his friends, the two Sheriffs of Bristol. He tells them in this letter, "I never ventured to put your *solid interests* upon *speculative grounds*." p. 48. I have not heard of any answer to this letter from either of the Sheriffs of Bristol, "that *honest, well-ordered, virtuous city*, a "people who preserve more of the original English simplicity, and *purity of manners* than perhaps any "other." p. 69. As to the Bristol Sheriffs ideas of their *solid interests*, I take it for granted that they exactly coincide with those of the Sheriffs of London, the Aldermen Plumbe and Thomas. They well know their own *solid interests*, and certainly proceed upon *speculative grounds* essentially different, both in nature and extent, from those of Mr. Burke. Their *speculations* do not extend beyond Exchange-Alley. Mr. Burke's angel genius takes in

The hemisphere of earth in clearest ken.

MILTON.

I will answer for most City Sheriffs, whether of London or Bristol, at least for the present London Sheriffs, that they attend to their own *solid interests*; and "have "never troubled their understandings with *speculations* concerning the unity of empire, and the identity "or distinction of legislative powers." p. 54. Their *speculations* however are neither partial, nor narrow. They *speculate* on every thing, on the *Omnium* with wonderful intelligence and sagacity. If they do not beautifully moralize on this frail and feverish being, they

Bill is professed to relate only to treasons committed in North America by persons actually

re-

they calculate with amazing exactness the great uncertainty of *human life*, and the most minute degrees of the probability of its continuance in every object of their *speculations*. Nor are their *speculations* confined to any faction, or influenced by the blind zeal of party. Whigs and Tories; courtiers and patriots, are indifferent to them, as to *life annuities*, and *reversionary payments*. They even wish to unite them--in a joint security.

But to return to the argument of the *partial* suspension of the *Habeas Corpus*. Is a man voluntarily to submit to the conflagration of his own dwelling house, because some distant buildings of his are in danger of being burnt? Is a physician to give up every idea of preserving the head or the heart, from a belief that such extremities as the hands or the feet are in an alarming state? Is he to endeavour no cure, because he cannot save all his patients? If we cannot bestow the godlike gift of *universal*, we ought surely to give *partial*, *freedom*. When the minority found it impossible to *redeem from slavery* the whole empire, they saved the most valuable part. They nobly struggled, and succeeded for us on this side the Atlantic. I will trust the sons of America to their own virtue and prowess, by which I have no doubt of their being *finally saved*.

What *mode of slavery*, however, *partial freedom* can seem to any man, I freely own I do not guess. How *partial freedom* to some can be the most *invidious mode of slavery* to others, is beyond my comprehension. Yet I can conceive *partial freedom* in some may make the loss of liberty more regretted, more sharply felt, by others. Among all the different species of *slavery*, under which the

insulted

resident in that quarter of the globe. Gentlemen, however, on a tour of business to Ireland, or of pleasure to France or Flanders, or even on a fishing party on our own coasts beyond low-water mark, are acknowledged to be *out of the realm*, and may be brought within the act, even as it now stands. An opening is still left for public, or private, revenge and oppression to operate. The expression therefore

insulted race of man has suffered, *partial freedom* has not hitherto been classed, nor did they ever before accord in such friendly, harmonious unison as they are now found by the Sheriffs of Bristol.

Mr. Burke says, "I have not debated against this Bill in its progress through the House; because it would have been vain to oppose, and *impossible to correct it.*" Page 18. The Bill, and the Minister, were both well *corrected* by Mr. Dunning. "I cannot conscientiously support what is against my opinion, nor prudently *contend* with what I *know* is *irresistible*. Preserving my principles unshaken, I *reserve my activity for rational endeavours.*" Page 19. Was the Court faction more determined to carry the *American High Treason*, than the *Civil List, Bill*? Was the first *known* by Mr. Burke to be more *irresistible* than the last? Yet his efforts against the last Bill were great and laudable, although not successful. He did, according to the words of the Preacher, Ecclesiastes, ch. 6. v. 10. nobly *contend with him that was mightier than he* --- the Lord North. It was a *rational endeavour*. Why was not the same *rational endeavour* exerted against the
American

fore ought rather to have been *out of Europe*, than *out of the realm*, if the former words, moved by my honourable friend, in *some or one of His Majesty's colonies before-mentioned, or on the High Seas*, were rejected. But why, Sir, are words so clear and explicit to be changed, unless for some dark purpose, which dares not be avowed?

This new clause, Sir, has happily narrowed the object of the Bill, but in no degree narrowed the proofs, or the nature of the evidence necessary. I shall therefore give the Bill my hearty negative, for I will never consent to encrease the enormous power of the crown at the expence of the freedom of the
sub-

American High Treason Bill? Mr. Dunning's *rational endeavour* succeeded, and *he need not blush for his political company*. p. 70. The preservation of property in the *Civil List Bill* was surely not a consideration of equal importance with the preservation of personal liberty in the *American High Treason Bill*. There can be but one rule of conduct on these occasions. Watch every opportunity of being useful, at no moment desert the public cause, and of those evils, which you cannot prevent, strive to lessen the magnitude, and correct the malignity; "not that I think it fit for any one to rely too much on his own understanding, or to be filled with a presumption, not becoming a *christian man*, in his own personal stability and rectitude." Page 69.

subject. I will not arm ministers with an unconstitutional power, dangerous to the people. In the Preamble to the Bill it is said, "Many persons have been seized and taken, who are expressly charged, or *strongly* suspected of such Treasons and Felonies, and many more such persons may be hereafter *so* seized and taken." In the first enacting clause of the Bill, and throughout, the word *strongly* is omitted, and the slightest suspicion may warrant the commitment. The words are, "All and every person or persons, who have been, or shall hereafter be seized or taken in the act of High Treason, committed in any of His Majesty's colonies or plantations in America, or on the high seas, or in the act of Piracy, or who are, or shall be charged with, or *suspected of*, the crime of High Treason, committed in any of the said colonies, or on the high seas." It is therefore apparent that a mere pretended suspicion, or foolish credulity, or determined villainy, in a wretched, ignorant, mercenary tool of a ministerial magistrate, may still render the objects of this Bill, who are the inhabitants of above half the empire, liable to imprisonment. This imprisonment

imprisonment likewise is to be *without bail or main-
 prize*, for *that* cruelty was still determined to be
 exercised by the committee, notwithstanding the
 humane motion of my worthy † colleague to
 leave out those obnoxious words. There is not
 a syllable in the Bill of the degree of probability
 attending the *suspicion*. The Bill, greatly
 amended as it has been, does not even now re-
 quire *an oath*, nor that the parties should be
 heard in their own justification, nor confront-
 ed with the witnesses, nor does it mention that
two witnesses should be deemed necessary for
 the colourable ground of a commitment for so
 high a crime as Treason in America, as the
 law is in other cases within the kingdom. Is it
 possible, Sir, to give more despotic powers to
 a bashaw of the Turkish empire? What securi-
 ty is left for the devoted objects of this Bill
 against the malice of a prejudiced individual,
 a wicked magistrate, who, if he is prosecuted af-
 terwards for so flagrant an abuse of power, will
 certainly be indemnified, probably rewarded by
 a most arbitrary administration? Actions may
 indeed be brought against the offender, but we
 know

† Mr. Serjeant Glynn, Member for Middlesex.

know all damages recovered, however great, are paid by *the people*, not by the party. Even in the case of *Petit Treason*, by an express act of Edward the Sixth, no person can be convicted, but on the oath of *two sufficient and lawful* witnesses, or confession, *willingly, without violence*; so careful, Sir, were our wise ancestors of protecting the liberty of the meanest subject.

This case, sir, demands our strictest attention and vigilance from what we daily experience of the conduct of those underling officers of every minister, who traffick and deal out justice, under the colour of legal magistracy. There is now, sir, actually in Newgate an American merchant, named *Ebenezer Smith Plat*, who stands committed so lately as the 23d of last January, *charged with High Treason at Savannah in the colony of Georgia in North America*. He is committed by the well known Justice Addington, and, as I am informed, was not allowed to see any of the witnesses against him, nor even to hear their affidavits read. He had before been tried on the same charge at Kingston in Jamaica, and acquitted. I never saw him, but I have read an attested
copy

copy † of the warrant of his commitment. He is charged generally with *High Treason*, which I take to be an illegal commitment. I do not pretend, Sir, to a deep knowledge of the law. I have only the attentive reading of a private gentleman. I build my legal faith on some known and approved authorities, a *Blackstone*, a *Burne*, and a very few others. Those authors agree, that every warrant of commitment ought to set forth the cause *specially*, that is to say, not for treason or felony in general, but for treason in compassing the death

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of

† To the Keeper of His Majesty's Gaol of Newgate, or his Deputy.

Middlesex.
to wit.

} These are in His Majesty's name to authorize and require you to receive into your custody the body of *Ebenezer Smith Plat* herewith sent you, charged before me upon the oaths of Richard Scriven and Samuel Burnet with *High Treason at Savannah in the Colony of Georgia in North America*, and you are to keep him safe untill he shall be delivered by due course of law, and for so doing this shall be your Warrant.

Given under my hand and seal this 23d day of January 1777.

W. ADDINGTON.

L. S.

of the king, or levying war against His Majesty in the realm, or counterfeiting the king's coin, or felony for stealing the goods of such a one to such a value, and the like. A court may then judge, whether the offence is such, for which a prisoner ought to be admitted to bail. If then a justice living in the capital, under the immediate eye and direction of ministers, is guilty of such an illegal commitment, what is not to be dreaded from the base engines, and slavish tools, of power in the more remote counties? Is it possible, sir, for too great caution to be used by enforcing in the body of a Bill, which is to suspend the *Habeas Corpus* act, the necessity of † *an oath, of two witnesses* to the charge,

† The abuse of power in the illegal treatment, which Mr. Wilkes experienced in his own person in April 1763, gave additional energy to his reasoning, and pointed every argument. There was no accusation *on oath* against him, either before the first warrant of apprehension, or the commitment to the Tower. *He was not admitted to see any one of his accusers, or witnesses.* His Speech in the House of Commons on the first day of the subsequent Session, Nov. 15, 1763, states the enormity of the proceedings against him so fully, that I shall give it entire.

Mr. Speaker,

I think it my duty to lay before the House a few facts, which have occurred since our last meeting, be-
cause,

charge, and of their being confronted with the prisoner?

M 2

The

cause, in my humble opinion, which I shall always submit to this House, the rights of all the Commons of England, and the privileges of Parliament, have in my person been highly violated. I shall at present content myself with barely stating the *facts*, and leave the mode of proceeding to the wisdom of the House.

On the 30th of April in the morning I was made a prisoner in my own house by some of the King's messengers. I demanded by what authority they forced their way into my room, and was shewn a warrant issued, *without oath*, by Lord Halifax, Secretary of State, in which no person was named in particular, but generally the "authors, printers, and publishers, of a seditious and treasonable paper, entitled "the *North Briton*, No. 45." The messengers insisted on my going before Lord Halifax, which I absolutely refused, because I knew the warrant was illegal. I applied by my friends to the Court of Common Pleas for a *Habeas Corpus*, which was granted, but as the proper office was not then open, it could not immediately issue. I was afterwards carried by violence before the Earls of Egremont and Halifax, whom I informed of the orders given by the Court of Common Pleas for a *Habeas Corpus*, and when I was ordered into another apartment, I enlarged on this subject a considerable time to Mr. Webb, the Solicitor of the Treasury. *I was confronted with no witness, nor did I see any accuser.* I was carried to the Tower by virtue of another warrant, issued likewise *without oath*, which declared me "the author, and publisher "of a most infamous and seditious libel, entitled the

" *North*

The case of *Plat*, Sir, gives us an instance of another violation of the law, an evasion of the *Habeas Corpus* act, that *holy* statute, which ministers hold in abhorrence, and are now allowed

“ *North Briton, No. 45.*” The word *treasonable* was dropped. I was however with great strictness detained a *close* prisoner, and no person suffered to come near me for almost three days, although my counsel and several friends demanded admittance, in order to concert the means of recovering my liberty. My house was plundered, my bureaux broke open, by order of two of your members, Mr. Wood and Mr. Webb, and all my papers carried away. After six days imprisonment, I was discharged by the unanimous judgment of the Court of Common Pleas, *that the privilege of this House extended to my case.* Notwithstanding this solemn decision of one of the King’s superior courts of justice, a few days after I was served with a *Subpœna* upon an Information exhibited against me in the King’s Bench. I lost no time in consulting the best books as well as the greatest living authorities, and from the truest judgment I could form, I thought the serving me with a *Subpœna* was another violation of the privilege of Parliament, which I will neither desert nor betray, and therefore I have not yet entered an appearance.

I now stand in the judgment of the House, submitting with the utmost deference the whole case to their justice and wisdom, and beg leave to add, that if, after this important business has in its full extent been maturely weighed, you shall be of opinion that I am entitled to privilege, I shall then be not only ready, but eagerly desirous to wave that privilege, and to put myself upon a *Jury* of my countrymen.

lowed in England to evade with impunity, in America, I fear, to suspend for very near a twelvemonth. The history of it is this. *Plat* was first confined to the *Antelope* for three months, then removed to the *Boreas* for four weeks, then carried on board the *Pallas*, and in her brought in irons to England. On her arrival at Portsmouth he was removed on board the *Centaur* for three weeks, then to the *Barfleur*. On the 4th of January last, an *Habeas Corpus* was obtained, directed to the captain of the *Barfleur*; but before it could be served, an express was sent from the treasury by their solicitor, and *Plat* was removed again to the *Centaur* before the *Habeas Corpus* could arrive at Portsmouth. The return to that *Habeas Corpus* was thus eluded; but on his friends declaring that they were determined to sue out another, *Plat* was at last sent to the capital, and in the illegal mode, which I have stated, committed to Newgate. † I speak, Sir, in the hearing of many

M 3

gen-

† Mr. *Plat* was returned to the Judges at the Old Bailey, July 2, 1777, as one of the "Middlesex Prisoners upon orders," in the custody of the Keeper of Newgate. "No. 22. *Ebenezer Smith Plat*, " committed Jan. 23, 1777, by W. Addington, Esq; " charged,

gentlemen, who ought to contradict me, if I have advanced a single circumstance not founded in truth. Can ministers, Sir, who are capable of thus trampling on our most sacred laws, be too narrowly watched, too deeply suspected, too strongly guarded against? Do we not owe it to the people to demand every security from the sanction of an oath, the number of witnesses, the confronting of them with the prisoner, the hearing him in his own justification, and other circumstances, of which not the least trace is to be found in this criminal, arbitrary Bill? Is the personal liberty of the subject to rest on the *mere pretended suspicion* of a man, who acts probably under the orders of a professed ministerial agent, ever ready to make his court to power by the sacrifice of public virtue and innocence, whose incapacity perhaps can only be equalled by his meanness and fordid lust of gain?

I re-

“ charged, on oath of Richard Scriven and Samuel
 “ Burnet, with High Treason at Savannah in the Colony of Georgia in North America; ordered to remain on his commitment. Was on the 12th day
 “ of May taken by *Habeas Corpus* into His Majesty’s
 “ Court of King’s Bench, and remanded.”

I regret, sir, the indecent rage, the extravagant madness, with which every measure, and in particular the Bill in question, has been carried on against the Americans. It precludes every possibility of a reconciliation, so ardently to be wished. All the measures respecting America, and this Bill in particular, as it was at first brought in, bear the strongest marks of a regular system of despotism among our rulers. They originate from the latent, dark, all-controlling power of the † man, *who*

M 4

wants

† Mr. Pitt made use of this expression in the House of Commons, speaking of the *Earl of Bute*. *Junius* says, “ *Lord Bute was not of a temper to relinquish power, though he retired from employment.* Scipulations were certainly made between your Grace [the “ *Duke of Bedford*] and him, and certainly violated. “ *After two years submission, you thought you had* “ *collected a strength sufficient to controul his influ-* “ *ence, and that it was your turn to be a tyrant, be-* “ *cause you had been a slave. When you found your-* “ *self mistaken in your opinion of your gracious mas-* “ *ter's firmness, disappointment got the better of all* “ *your humble discretion, and carried you to an* “ *excess of outrage to his person, as distant from true* “ *spirit, as from all decency and respect.*”

In a note *Junius* adds, “ the Ministry having en- “ *deavoured to exclude the* *Dawager* *out of the Re-* “ *gency Bill, the EARL OF BUTE DETERMINED TO*

DISMISS

wants wisdom, and holds principles incompatible with freedom. Let us advert, sir, for a moment to the difference of two cases in point, the *suspicion* only of high treason in America, and the actual charge of it here. A man only *suspected* of high treason in America, for instance, the giving aid or assistance to the Congress, or to any of the King's enemies, may on coming over to England be committed to prison, and by this Bill continue there *without bail or mainprize*, or being able to bring on his trial for near a year, till January 1, 1778, to which time this bill is to continue in force. In this kingdom a man *suspected*, or even actually charged with High Treason in conspiring the death of the King, or levying war in the realm, may have an *Habeas*

“DISMISS THEM. Upon this the Duke of Bedford demanded an audience of the -----, reproached him in plain terms, with his duplicity, baseness, falshood, treachery, and hypocrisy,---repeatedly gave him the lie, and left him in convulsions.”

Junius, vol. I. p. 171.

When the King came out of the closet, His Majesty appeared in very great agitation, and said to one of his servants, “THE FELLOW *has done every thing but strike me.*”

beas Corpus, and be bailed by the Court of King's Bench. The *suspicion* therefore of American treason seems a deeper crime in the judgment of our present ministers, than an overt act of English, or more probably *Scottish*, treason, or rebellion against his Majesty's person, title, crown, or dignity. It must be thought, sir, a deeper crime, because it is more grievously punished. Do we imagine the Americans will not retaliate, or do we vainly hope to intimidate them? Their cause is good, and after all the idle tales of our late visionary successes, the justice of it must in the end prevail. They are now nobly struggling under the sharpest sufferings, but I trust they have steady zeal and unwearied perseverance. In all events, the first moment of a foreign war necessarily obliges us to withdraw our fleets and armies. Every part of North America must then be free and independent. This Bill can only irritate, and will not intimidate. It will probably be answered by a spirited resolution of the Congress—Would to God, sir, the British Parliament equalled that Congress of Heroes, that more than Roman senate, in wisdom, in fortitude,

fortitude, in love of their country, in uncorruptedness, in public virtue !

The second enacting clause of the Bill, sir, impowers “ his Majesty, by warrant under
 “ his sign manual, to appoint one or more
 “ places of confinement, *within the realm*, for
 “ the custody of such prisoners, and all and
 “ every magistrate or magistrates, having competent authority in that behalf, are hereby
 “ authorised to commit such persons as aforesaid to such place or places of confinement,
 “ so to be appointed, instead of the common
 “ gaol.” This clause may operate in a manner more to be dreaded than any banishment, or confinement *out of the realm*. A power, which may be thus grossly abused, ought not to be trusted without restriction to any man. A person *only suspected*, or pretended to be so, may be doomed to a damp and noxious dungeon, in the midst of putrid marshes, or on the most swampy coast. He may be stifled in a vault, *to whose foul mouth no healthsome air breathes in*. I, sir, perhaps may at last be suspected, and possibly it will not be a *slight suspicion*. I have formerly experienced an illegal,
 close,

close, and rigorous imprisonment in the Tower; but by this Bill I may be sent to the gloomy wastes and deserts of the *North*, to the barbarous Highlands of *Scotland*, or among the savages in the dreary *Isle of Bute*, from whose *boarn* I am sure I should never return, even as a traveller, much less as a prisoner. Is this clause ingeniously meant, sir, as a new mode of re-peopling that ancient, *abandoned* kingdom?

Much has been said, sir, both in the Committee and in the House about a *Dictator*, and his extensive powers. Many periods of the *Roman History* have been retailed out to us minutely enough, and they have furnished many parallels. Comparisons between that virtuous republic, and this corrupt monarchy, are generally, in my opinion, more brilliant than solid, more beautiful than just. A Right †Honorable Gentleman under the gallery has just observed that our glorious Deliverer, William III, was

* The law of England appoints imprisonment in *custodiam* not in *pœnam*, acknowledges no *close* imprisonment, whereas I was kept with the most extreme rigour.

Algernon Sydney's apology in the day of his death. Page 173.

† Right Hon. Henry Seymour Conway, Member for Midhurst.

was a *Dictator* here after the *suspension* of the *Habeas Corpus Act* in his reign. Should the present Bill for the *suspension* of that act pass into a law, I shall regard the noble Lord with the blue ribband as the modern *Dictator* of this great empire, as possessed of the most ample and despotic powers. The first important act of public business in the Roman *Dictator* was to name his coadjutor in office, the *Magister Equitum*, or *General of Horse*. If public gratitude has any weight with the *Dictator here*, I am sure for such an office he will immediately fix his eyes on the § noble Lord at his right hand, who, to his immortal honour, with great and invincible courage, advanced and charged the enemies of our country at the head of the *British horse*. In one particular respecting the *Dictator* of ancient times, I desire to set right a very † high Law-Officer among us. All the Roman magistrates were not, as he says, superseded by that creation. The *Tribunes of the People*, but they alone, preserved their authority, even under a *Dictator*.

It

§ Lord George Germaine, in 1759 Lord George Sackville.

† Attorney-General, Edward Thurlow, Esq; Member for Tamworth.

It has been said, fir, by another gentleman, who is likewise in a || great Law-Office, that in this House a discontented party have ridiculously given into a *tone of Prophecy*, which has never been accomplished, and that particularly about a year ago it was the case of the Right Honorable Gentleman, who spoke lately under the gallery. It is not I believe very parliamentary to quote words spoken in a former debate. But if that member's memory goes to a *prophecy* of one year, which *has not been* fulfilled, he will permit mine a fair excursion to another *Prophecy* of his own, six years ago, which *has been* exactly verified. His *Prophecy* in this House was, that if the violent measures against the Americans were persisted in, the colonies, which formed so great a strength to this kingdom in the reign of George II, would be *dissevered* from the British empire in the reign of George III. No *Prophecy*, fir, ever received a more perfect accomplishment. This gentleman won-
won-

|| Solicitor-General, Alexander Wedderburne, Esq; Member for Okehampton.

As for Mr. Wedderburne, there is something about him, which even treachery cannot trust.

Junius, vol. 2. p. 185.

derfully possesses the *second sight* of his native country. How deeply criminal he and others have been in the bringing his *Prophecy* to pass, I hope this House will one day enquire.

A very extraordinary observation of the same gentleman in the present debate, amidst a variety of heterogeneous matter, it is impossible for me not to mention. He has laughed at *universal benevolence*, and endeavoured to demonstrate the impossibility of its existence. But, sir, he has only given us the narrow, contracted, *selfish* ideas of his own heart, and his own *country. His sentiments and his feelings are confined to a very small insignificant circle indeed. They are merely *Clannish* and *Scottish*. His remarks I saw excited a general indignation in this House. An Englishman has ideas infinitely more liberal and enlarged. His heart expands itself, and takes in the general good and prosperity of mankind. It feels

* We must be conversant with the *Scots* in private life, and observe their principles of acting to *us*, and to each other;--- the characteristic prudence, the *selfish nationality*, the indefatigable smile, the persevering assiduity, the everlasting profession of a discreet and moderate resentment.

Junius. Preface, p. 25.

feels not the rancour, and disdains the injustice, of such a cruel, persecuting Bill, as the object of this day's debate. It forms the warmest wishes for the liberty and happiness of every individual of this late flourishing empire. *Universal benevolence*, and a generous spirit of humanity, have been no less the characteristics of the inhabitants of the *Southern* parts of this island, than that *good-nature*, for which foreigners have not even a name. I will only add, sir, that I think the most beautiful sentence of all antiquity is that, which was received with such applause by the generous and free Roman people, and an English senate will surely adopt against every measure of oppression and cruelty, *homo sum, humani nihil à me alienum puto.*

THE

THE PROTEST OF
THE EARL OF ABINGDON,

Entered February 24, 1777,

On the JOURNALS of the House of Lords.

Dissentient,

FIRST, Because I look upon this Bill, not only as a part of that system of Colony-Government, so inimical to Civil Liberty, so repugnant to the first and fundamental principles of the Constitution, so ruinous in its measures, so shocking to humanity, and so averse from that now exploded virtue of *universal benevolence*, but because I see herein that system coming home to OURSELVES, and with
hasty

hasty steps pointing its dangers, even towards the heart of the kingdom.

Secondly, Because the Bill itself is attended with powers subversive of and unknown to the laws of the land, by apprehending persons, it may be, on groundless SUSPICION, by imprisoning perhaps the innocent, without the usual and necessary form of a single oath; and not too in the common gaol of the county, but in whatever part of the realm, be it ever so distant, that persecution shall think fit to adopt.

Thirdly, Because, although the Ryder, which has been added by the other House, does in some degree abate the rigour of this harsh and alarming Bill, yet it does not sufficiently provide for the security of his Majesty's loyal subjects, the inhabitants of the West-India Islands under its baneful operation; nay, even any individual of this country, who shall venture on the High Seas, if only to make the tour of the Hebrides, may become the object of suspicion, and the victim of vengeance.

Lastly, Because the hour is come, if from motives of policy only, that coercion to lenity should give way.

(Signed)

ABINGDON.*

* This noble Earl has been one of the most steady and intrepid assertors of liberty in this age. England has essential obligations to the family of the *Earl of Abingdon*. When the Prince of Orange was at Exeter in great difficulties soon after his landing, when, "both the clergy and magistrates of Exeter were very fearful, and very backward, when the Bishop and the Dean ran away, and the Clergy stood off," as Bishop Burnet says, *Lord Abingdon* came in and joined our glorious Deliverer. The same ardour for freedom glows in the breast of his noble descendant, with an almost unexampled spirit and activity. The citizens of Geneva, as well as the people of England, dwell with pleasure on the praise of a peer, who has made the most generous efforts for them in the cause of public liberty, and often sacrificed the pleasures and enjoyments of social life to their interests. No gentleman was ever more formed to please and captivate in private life than the present *Lord Abingdon*, or has been more deservedly, more generally esteemed and beloved. He possesses true honour in the highest degree, has generous sentiments of friendship, and to superior manly sense joins the most easy wit, with a gaiety of temper, which diffuses universal cheerfulness. It is impossible not to be charmed with the happy *prodigality of nature* in his favour, but every consideration yields with him to a warm attachment to the laws and constitution of England.

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With notes by the Editor

P. R. O. T. E. S. T.

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